

(Eighth Day)

P U B L I C H E A R I N G

BEFORE

New Jersey Legislature

SENATE, COMMITTEE CREATED UNDER SENATE RESOLUTION NO. 4
(1958) AND RECONSTITUTED UNDER SENATE RESOLUTION NO. 3
(1959) TO INVESTIGATE THE COST OF GARBAGE COLLECTION
AND DISPOSAL

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Held:

April 22, 1959
Senate Chamber
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

SENATOR WALTER H. JONES (CHAIRMAN)

SENATOR WILLIAM F. KELLY

ALSO:

NELSON G. GROSS, ESQ.
Counsel to the Committee

ROBERT P. HANLEY, ESQ.
Deputy Counsel to the Committee

ALBERT L. ICHEL, ESQ.
Deputy Counsel to the Committee

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APPEARANCES:

Harold S. Okin, Esq., counsel to
Anthony Rotundo

Merritt Lane, Jr., Esq., counsel to
Joseph C. Cassini, Jr.

SENATOR WALTER H. JONES (THE CHAIRMAN): All right, we will call this proceeding to order. As I understand it, Anthony Rotundo is on the stand, he has been sworn, and, counsel, you may proceed.

ANTHONY ROTUNDO, having previously been sworn, resumed the stand, and testified as follows:

SENATOR JONES: Do you have something you want to say to the Committee, Mr. Okin?

HAROLD S. OKIN (Counsel to Mr. Rotundo): Mr. Chairman, on page 7, I think, of the transcript of Mr. Rotundo's testimony, there is a reference to and the use of the name "Iometti," and I think we will all agree that the name "Ippolito" was intended to be said.

SENATOR JONES: Page 7?

MR. OKIN: Halfway down the page, as I remember it.

SENATOR JONES: For the record, the witness and counsel wish to have the answer changed to the question, "Did he say that he wanted you to be ready to make a bid?" The answer is, "He said it was changed in favor of Iommetti." The witness wishes to correct the answer to read: "He said it was changed in favor of Ippolito." Is that right, Mr. Rotundo? You want the record changed to that extent?

MR. ROTUNDO: Yes, sir.

SENATOR JONES: All right. Proceed, counsel. Well, I'll get you started.

BY SENATOR JONES:

Q Now, when we finished up last, Mr. Rotundo, you stated that you met with Pompeo Iommetti - you said, "Iommetti," so I assume it was Pompeo, and if it wasn't or if it was more than Pompeo, tell me - that you submitted figures to them as to the amount that you were going to bid the Hoboken job. That was the last question, roughly. Is that right? A Yes, sir.

Q Now, was it Pompeo, or who was it? A Pompeo.

Q All right. Was it anybody else? A No, it was only Pompeo.

Q And you submitted the Hoboken figures to Pompeo for his review and check, is that right? A No. I spoke--

Q Now, you said that last time. If you want, I'll read back the question. I'm just trying to follow a thread here, and I don't want to put you in difficulties but I don't want you to do anything but tell me the truth either. Wait until I find it. (Reading) "Now, did you have any conversations during this period of time with respect to what you were going to bid on the job?" Answer: "Bid the Hoboken job?" Question: "Right." Answer: "Well, it was checked and overchecked so many times." Question: "It was overchecked with the Iommetti's?" Answer: "No. I gave him a figure myself that if -- that was the first time they bid the job." Question: "Well, after the first time, you discussed the figures with the Iommetti's, didn't you?" Answer: "No." Question: "Now, Mr. Rotunda, you know that the Iommetti's were going to pledge their entire credit on this job--" Answer: "Yes." Question: "-- and sign the bond for you --" Answer: "Yes." Question: "-- and give you trucks. Now,

you submitted some figures to them, didn't you?" Answer:
"Yeah. I told them what I am going to bid." That is right,
isn't it? A That's right.

Q Now, you told Pompeo Iommetti what you were going
to bid the Hoboken job for. Now, go ahead. A I told
him that I would bid under Ippolito's first bid.

Q And you told him the amount? A I didn't tell him
the exact amount.

Q Well, what did you tell him? A I told him I
would go under.

Q Well, what was Ippolito's first bid? A \$154,000.

Q And you told him that you would go under \$154,000?
A Yes.

Q How much under did you go as a matter of actual bid?
A \$1,000.

Q You went to \$153,000? A Right.

Q You didn't tell Iommetti that you would go to
\$153,000? A I didn't tell him at the time.

Q Not at that time. When did you tell him you were
going to go to \$153,000? A The morning before the bid.

Q The morning before the bid you told him you were
going to put in a bid for \$153,000. Right? A Right.

Q And the bid was on what date? A March 18th.

Q The bid was on March 18th. So on March 17th you
went to Pompeo Iommetti and you said to him, "I'm bidding--"
A I'm sorry. It was the morning of the bid.

Q So on March 18th you went to Pompeo Iommetti and
you said, "Tonight I am bidding and I am bidding \$153,000."
Right? A That was in the morning.

Q Right. In the morning. And you said, "This evening I'm going to do this." A No, they bid that morning.

Q Oh, they bid that morning. So just before the bid you told him you were going to bid \$153,000. All right. Now just let me finish up. Have you had an opportunity to confer with your counsel since your last meeting here? A Yes.

Q With Mr. Okin. Now, you recall that we had some discussion about whether you were employed by Iommetti. A That's right.

Q And just so that again we don't make any difficulties for you except those that you may want to make for yourself, I will review this record with you. Now, I said to you: "What did you say they employed you as - to run the job?" Answer: "That's right." Question: "Well, you don't mean they employed you to run the job, do you?" Answer: "They just said, 'You take care of Hoboken and we will give you so much.'" Now you don't mean, do you, that you were an employee of Iommetti Sanitation Corporation at this time?

A An employee?

Q Yes. A No, I was--

Q You were not an employee. A No, I was not an employee.

Q All right. That's all we are going to say for that.

SENATOR JONES: Now you proceed, counsel.

BY MR. GROSS:

Q Now, Mr. Rotundo, when did you pick up the specifications for the Hoboken job on the second bidding?

A The second bidding? The morning of the bid.

Q You picked them up on March 18th and that was the first time that you filled out the qualifying statement to be submitted with the bid, is that right? A I picked up a set of specifications. I don't recall what day it was, the first time.

Q We are talking about the rebidding. You picked up the specifications on the morning of the bidding, isn't that so? On March 18th. A No, that was when-- Will you repeat the question.

Q Mr. Rotundo, you picked up the specifications for the rebidding in Hoboken the very morning of the 18th, isn't that so?

SENATOR JONES: I think the record should indicate the presence of Senator Kelly.

Proceed, counsel.

MR. GROSS: There is a question pending.

SENATOR JONES: What is the question?

MR. GROSS: The question is as to when the specifications were picked up by Rotundo.

A I picked them up. I don't recall what day it was - a week or so before the rebid.

Q Now, Mr. Rotundo, are you sure of that statement now? This is for the rebidding on March 18th. A The rebidding, right.

Q All right. What did you pick up the morning of

the 18th? A I found I had their financial statement blank missing.

Q Now, you picked up a financial statement blank?

A Yes.

Q And that's all you picked up the morning of the 18th? A I picked up the specifications with it.

Q You picked up the specifications with it. A Both of them.

Q All right. So you picked up everything necessary to bid on the 18th, the very morning of the 18th? A The first time I had everything but the financial statement.

Q Well, the second time you picked up everything necessary to bid, isn't that right? A I picked up the whole set of specifications.

Q All right. On the morning of the 18th? A Yes.

Q When did you speak to the Iommettis that morning? A Down in my garage.

Q Down in your garage. What time? A Ten o'clock maybe.

Q What time was the bidding? A Eleven.

Q Who told you to meet at your garage? A I called them.

Q You called the Iommettis to come to your garage? A I called them, yes.

Q And they came down -- A I called one. I only called Pete.

Q Pompeo Iommetti. And he came down to your garage and you had the specifications and the financial statement with you there then? A Yes, I filled out the financial statement with him.

Q You filled out the statement and you filled out your bid right then when Iommetti was there, isn't that right?

A Yes, and--

SENATOR JONES: Answer yes or no, is that right. Yes, and then what?

Q You filled out the financial statement and the bid right then in your garage when Iommetti was there, didn't you?

A That's right.

SENATOR JONES: That's right? Is that the answer?

A Yes.

Q So he knew very well what your bid was, isn't that so?

SENATOR JONES: Well, he's testified to that.

MR. GROSS: All right. That's all.

SENATOR JONES: Any further questions?

MR. GROSS: No.

BY SENATOR JONES:

Q Well, now, forgetting for a moment how you bid the current Hoboken job, let's go back to the 3-year contract that Iommetti had in Hoboken that you discharged in full for them. Now, Mr. Rotundo, another thing: Your counsel said to me that he would like me to make sure that you understand what I am talking about, and if you don't understand what I'm talking about or anybody else in this room, you say, "I'd like to know exactly the question, what it is, and I want to understand it before I answer it." Is that understood?

A Thank you.

Q Now, in that 3-year contract, you did every bit of the work under that contract for how much money a month?

A I got \$9,675 a month.

Q \$9,675. A Yes.

Q And you arrived at that amount with Pompeo Iommetti as the amount that you were to be given for taking over the entire job. Right? A That's right.

Q O.K. Now just listen to me carefully: So when you agreed upon this amount to take over that job, you were also figuring out for yourself that you would make a profit and you would also draw a salary and the like, isn't that right? A Yes.

Q So that you were able to do the Hoboken job then for 3 years under the Iommetti contract for \$9,675 a month, make a salary for yourself and a profit on the job? A Yes, but they--

Q All right. Now go ahead; you want to qualify your answer? A They paid for a dump, they paid for the insurance on the trucks, they paid for the license plates.

Q Now, for a dump and insurance on the trucks? A Yes. And they paid for the bond - that's on the old one. On the new one, we got a wage increase of \$26.00 a man, my new contract.

Q I'm out of your new contract. We're talking about the old one, the old 3-year job that you did. Now, the dump - you got a dump, insurance on trucks, and a bond. Right? A That's right.

Q The dump was Orio's dump, wasn't it? A Yes, we dumped in Orio's dump.

Q For the whole 3 years; isn't that right? A We dumped for a little time down at Russo's dump. It might be a month, I'm not--

Q Only for a very minor period, a month at most; right? A Yes.

Q Well, now, isn't it true that when Iommetti dumped at Orio's, he didn't spend any money, that they didn't make any charge? A I don't know that.

Q You don't know that. A All I was told was to dump down at Orio's and there I dumped.

Q And there you dumped. And you don't know whether or not Iommettis paid to dump there or not? A No.

Q You don't. Well, then, when you say that they took care of the dumping, they told you to dump there, you didn't pay to dump there, but you don't know whether they paid to have you dump there either, do you? A No.

Q O.K. Now, the insurance on the trucks - how many trucks? A Eight.

Q Eight trucks. And was this a general casualty insurance? Talk to your counsel if you don't know what "casualty" means. A Yes.

Q The answer is yes. A Yes.

Q And that was on 8 trucks. What does casualty insurance come to on a truck, how much? A I think about \$700 a year.

Q \$700 a year for each truck? A Well, I got a little rack truck, maybe it's a little less, a smaller truck - \$200 a year.

Q \$200 a year. Well now, which is it, \$200 or \$700? A The big trucks, garbage trucks--

Q Well, how many did you have of them? A Seven Roto-packs.

Q You had 7 of the big ones, and how many did you have of the smaller ones? A I have one rack truck and a little pick-up truck.

Q So you had 7 at \$700 and 2 at \$200, right? A That's right.

Q That's what the cost would be, right? A Close to it.

Q And how much is the bond? The bond is for the whole 3-year period, isn't it? A Yes.

Q And he had already paid the bond when he took over the bid, hadn't he? A Well, I don't go into his business.

Q O.K. How much is the bond? A I am paying \$3,000.

Q You are paying \$3,000 now, so that roughly you could say that his bond would be probably in a similar amount, right? A Well, he is getting more money, so maybe his bond is a little higher.

Q It came a little higher because he got more money. Now, the total charges - that is 7 times \$700 and 2 times \$200, roughly \$3,000, and dumping that you don't know the amount of. A I didn't pay for the garage.

Q Well, you told us that, or he told us that before. You garaged the trucks down in his place there, right? A All I paid for was fuel oil, and the license plates and the trucks he paid for.

Q O.K. So that's it. So between those amounts

and \$9,675 - and what did he get the contract for for a month? A I don't know.

Q Don't you remember what the contract price was?

A I think it was \$183,000 a year, but I don't know how much a month. I never looked into his contract.

Q Well, was it \$183,000 a year? Divided by 12, how much is that a month? Don't ask a Senator to do that. It's over \$15,000 a month, isn't it? A That's right.

Q So he was getting \$15,000 a month and you were getting \$9,675, right? A That's the way it is.

Q All right. No further questions on that score. You never told any of the officials, or did you tell any of the officials in Hoboken that you were running this job?

A No, they knew me as by a foreman.

Q In other words, so far as the officials of Hoboken were concerned, they were completely in the dark as to what this arrangement was between you and Iommetti, and the reason for that was, you had a contract which didn't permit them to assign or to sublet the contract, isn't that right?

A I never looked into his own contract.

Q You never looked into it. All right. That's all.
BY MR. GROSS:

Q Mr. Rotundo, on this March 18th bidding in Hoboken, there are 3 calls for the bids, aren't there?

A I don't remember.

Q Well, isn't that the usual practice? A I never bid that many jobs to look into that.

Q Well, in Hoboken on March 18th, which was only about one month ago, isn't it true that the bids are called

3 times? Remember that? A It was more than once, but I don't remember whether it was 2 or 3 times. I don't know.

Q Well, it was more than once, 2 or 3 times. Now, on the first call, did you place your bid? You weren't the first one to walk up with a bid, were you? A I don't think I was the first.

Q Well, Iommetti walked up first, didn't he? A I couldn't tell you. I couldn't answer that.

Q You couldn't answer that one. A I don't remember.

Q But you didn't walk up first? A As far as I can recall, Iommetti was first, and I think I was second.

Q Iommetti was first, isn't that right? A I think he was first.

Q Now, do you know how much he bid? A I don't know his bid.

SENATOR JONES: Well, you know now?

MR. ROTUNDO: Now, yes.

Q All right. Now after the first call, when Iommetti walked up, you were instructed, were you not, to wait to see if the Ippolitos were going to put up a bid before you placed your bid? A No.

BY SENATOR JONES:

Q Pompeo didn't tell you that, Rotundo? A No, Pompeo didn't tell me.

Q He didn't tell you to hold back until you found out what Ippolito was going to do? A No.

Q Well, you knew if Pompeo took the bid, you had an arrangement with him to do the same thing as you did for the past 3 years and sublet the job again? A That's

what they told me but you never know what they're liable to do next.

Q All right. I know that you never know what they're going to do next. Don't worry. You don't have to tell me that. But what I want you to tell me is just what you've said, that when Pompeo went in there to bid on the Hoboken job, you knew that if he was the successful bidder you would get the job to run the way you had before? Didn't you know that? A I didn't know if Pompeo was going to submit a bid.

Q Didn't he tell you he was going to give you the job if he was the successful bidder? A The second time I didn't know he was going to bid.

Q Did he tell you the first time? A The first time, yes.

Q So when he bid the first time, you knew very well that if he was successful you were going to run the job because he said so. Now, you didn't sign a contract but that's what he told you; isn't that right? But you say that the second time he didn't repeat that? A No, not about me running the job. He let me go to all the trouble to get all the indemnity and the bond.

Q We know about that. O.K. What else?
BY MR. GROSS:

Q Mr. Rotundo, just on that point one minute. You had been told specifically in certain language to wait at least until the second call, isn't that right? A Not that I can recall. Nobody told me.

Q But you didn't know until after the award and after the bids had been taken by the city whether you were

going to get a subcontract or whether you were going to do the job in your own name, did you? A That's not true.

Q Well, you knew you had to be ready to place a bid, didn't you? A Mr. Gross, I didn't know Pete was going to throw in their bid.

Q Why didn't you put a bid in on the first call?

A On the first call?

Q Yes. A It's one of those things - I don't know.

Q The bids were called quite clearly the first time, weren't they? A I guess maybe they were.

Q Isn't it true that Ippolito's representative put a bid in before you did? A That, I don't remember.

Q Well, think about it, Mr. Rotundo. Isn't it true that Ippolito put the bid in before you did, that you waited until after he put a bid in? A To my best recollection, Ippolito wasn't even there.

Q Ippolito's representative from the bonding company put the bid in before you did, isn't that right? On the second call? A My best recollection is he was last.

Q Are you going to say that under oath, Mr. Rotundo, that he was last? A I'm not certain of it. I didn't say I was sure. I'm not certain.

Q Well, don't you remember quite clearly that he waited until after Ippolito's representative? A Well, I was anxious to get my bid in. I got it in my name; I got everything I wanted there.

BY SENATOR JONES:

Q When you made your bid for Hoboken on the contract that you have just received, once again you put in a bid that covered you for profit and also covered you for salary,

right? A Yes, if I figured right, it should be.

Q O.K. Your figuring and your bid is based upon the profit motive for yourself and also a salary for yourself, isn't that right? That's why you bid, isn't it? A Yes.

Q And that's right, isn't it? A Right.

Q O.K. That's all.

SENATOR JONES: Now, we have the records.

MR. OKIN: You have only a portion of them.

SENATOR JONES: We want the rest.

MR. OKIN: We have the ledger here.

SENATOR JONES: All right. They have been reviewed and we'll want the ledger and we will want to come to some arrangement with you for their return. Will you do that?

MR. OKIN: Yes. If you can tell us how long you want to keep them.

SENATOR JONES: Well, you can call me, Harold. and if there's any necessity for you to get--

MR. OKIN: This witness is excused?

SENATOR JONES: He is excused for the time being. All witnesses are under present process. No witnesses who have appeared here are excused.

Now, for the record, counsel wishes, on a preliminary basis and to establish a foundation, to read portions of the testimony at previous hearings and so that it will be an orderly proceeding as far as the record is concerned, counsel will read into the record portions of the old record. And after that, we will proceed. Go ahead, counsel.

BY MR. GROSS:

This is testimony of January 27, 1959, of Crescent Roselle. Now, question by Mr. Gross. (Reading)

"Question: Did you ever tell him (Frank Miele, Jr.) that he should never dump in any area in Kearny? Answer: I might have because he might have owed money to different fellows. I might have said that in the course of a conversation, yes.

"Question: Did you ever tell him to never dump again in Kearny at any time? Answer: No, I don't think so. If he wanted to pay, he could come right into my dump, as far as that goes.

"Question: Well, let's eliminate the 'think so' on this point. I'm asking you a specific question. Did you ever tell him that he could never dump in Kearny again? Answer: I didn't think I had the right to tell him.

"Question: Did you ever discuss with the same Frank Miele, Jr., the bids up in North Caldwell at any time? Answer: Yes, I think I did at one time or another.

"Question: Now, what did that discussion consist of? What were the circumstances? Answer: Well, we talked about most bidding and I mentioned the fact that there was a bid in North Caldwell and he mentioned to me that he was going to bid it. He was at the bid and so was I.

"Question: He was at the bid. Answer: Yes.

"Question: Was that bid one in which there were friends bidding against one another? Do you know? Answer: Yes, I think Frank Miele was friendly to the other contractors.

"Question: Who were the other contractors?

Answer: Offhand I don't remember. I think there was a Pinto and possibly - I don't know - Angelo Miele, I think.

"Question: Did you ever discuss with Frank Miele, Jr. a possible bid by Pinto? Answer: Yes, I mentioned that there was bids by Pinto and Miele and he.

"Question: You mentioned that to him? And what exactly did you say about Pinto? Answer: I mentioned that Pinto was the private scavenger there and it would be nice if he got it. That's all.

"Question: It would be nice if Pinto got it? Answer: That's right.

"Question: That was all that you said about Pinto in connection with that North Caldwell job? Answer: That's right.

"Question: About the same time did you ever discuss related problems with Frank Miele, Jr.? And by related problems I mean other bids or other stops which he might have had? Answer: I don't think it was at that particular time. Previous to that Frank Miele was operating some stops in the City of East Orange and we had some stops in the City of Newark, and, if I remember correctly, we made a gentleman's agreement, as far as a swap was concerned. He took our stops in Newark and we took his stops in East Orange.

"Question: Is this swapping something which happens frequently in the garbage industry? Answer: Yes, it happens sometimes. In other words, it may be to my advantage to pick up a stop that is near my garage and I might have a stop that's nearer to somebody else's garage. I think at that time we even spoke about maybe buying them out - Frank Miele, I mean.

"Question: Well, about this time, October of 1956, did you mention or discuss with Frank Miele, Jr., the loss which he sustained of a stop for \$250? Did you discuss that with him? Answer: That he sustained?

"Question: Yes. Answer: I don't remember. Believe me. I mean, if you would refresh my memory, if you could tell me the name of the stop--

"Question: Well, was there a Capella stop? Answer: Where?

"Question: Copella, Coppola, or something like that? Answer: I'm sorry, we had nothing to do with any stop like that. I mean, it isn't fresh in my mind at all.

"Question: I'm not asking whether you had anything to do with it, I'm asking whether Frank Miele, Jr. had anything to do with it. Answer: Well, I don't know. You'd have to ask him.

"Question: You don't know anything about it? Answer: Coppola? did you say?

"Question: Do you know anything about a stop which Frank Miele, Jr. lost for \$250? Do you know anything about that? Answer: Where is the stop?

"Question: I don't know where it is, Mr. Roselle. I am only asking the questions. Answer: Well then, I don't know anything about it.

"Question: You know nothing about any-- Answer: Nothing whatsoever.

MR. GROSS: January 28, 1959. Testimony of the same Crescent Roselle.

"Question: Yesterday, at about this same time, I asked you if you had ever said that you could work out a lost stop for a contractor through a dumping setup and you said "No" to that. Is that right? Answer: You'd have to be more specific, so I'll again have to answer no.

"Question: All right. Let me ask you this specifically about Frank Miele, Jr.: Did he ever ask you this question - did he ever say in substance, 'If I lose a stop legitimately to someone who is dumping in North Jersey dumps, can it be worked out through you?' Did he ever say that to you? Answer: I don't remember.

"Question: Well, did you ever say that it could be worked out? Could you have ever said that you could work it out? Answer: No.

"Question: I'll ask you another specific question. Did he ever ask you what the organization is going to do for him about the \$250 stop that he lost? Did he ever ask that? Answer: Not that I know of, no.

"Question: Did you ever answer in response to any question of that nature, 'You would have to see Freddy on that. It's under his setup.'? Answer: I don't remember.

"Question: Did he ever say to you, in connection with the North Cadwell job, that he had information to the extent that this Ace Pinto was going to bid that job? Answer: He might have. I don't remember.

"Question: Well, in response to such a question, did you ever say to him, 'Well, I'm sure that we can cope with that.'? Answer: In making that statement yesterday, I wish to state that at the time I was thinking of an entirely different Pinto. This is the first time that you

mentioned 'Ace' Pinto. There happened to be a Louis Pinto involved also. And the answer is still, no.

"Question: The answer is now, no? Answer: It's still, no.

MR. GROSS: That's all, Senator.

SENATOR JONES: All right. Proceed, counsel.

MR. GROSS: Under the previous authorization given to the Committee and discretion given to the Committee by Frank Miele, Jr., we will call for one of the tape recorders.

SENATOR JONES: Just before this tape is played, I understand that Frank Miele, Jr. is also in the chamber here. Let the record so note, as is Frank Miele, Sr. Let the record so note.

(Following is transcript of tape recording of telephone conversation between Crescent Roselle and Frank Miele, Jr.)

Operator: What number are you calling, please?

Mr. Miele: Orange 5-1874.

Operator: The number is O.K. Will you try the call again, please.

Voice: Hello. Peter Roselle & Sons.

MR. MIELE: Is Cush in, please?

VOICE: Who's calling, please?

MR. MIELE: Frank Miele.

MR. ROSELLE: Hello.

MR. MIELE: Hello, Cush.

MR. ROSELLE: Yes.

MR. MIELE: Frankie. How are you?

MR. ROSELLE: O.K.

MR. MIELE: Atta boy. Did you return my call this morning?

MR. ROSELLE: Yes, I returned it. I thought it was your dad.

MR. MIELE: Well, no, it wasn't. It was me. You told me to give you a call in case I heard anything.

MR. ROSELLE: Yeah.

MR. MIELE: First, I want to get myself straightened out with you.

MR. ROSELLE: You'd better do something, Frank, because I'm very disappointed in you.

MR. MIELE: Well, I don't want you to be.

MR. ROSELLE: What the hell is your truck doing dumping back there?

MR. MIELE: I told you there was only an extra load.

MR. ROSELLE: Well, there ain't no extra loads. That was regular garbage. I was back there when Steamboat was in there. What are you trying to do, pull my leg?

MR. MIELE: Well, that's a factory load.

MR. ROSELLE: I don't give a goddam what you do. That's just about the way I feel about it. What the hell's the matter with you. Who do you think you're fooling, buddy? Are you a man or a mouse? What the hell's the matter with you.

MR. MIELE: Well--

MR. ROSELLE: Well, Frank, I don't know what's the matter with you. Who do you think you're trying to fool. What's wrong with you, boy?

MR. MIELE: Did you get it all out of your system now?

MR. ROSELLE: Yes, I did, and that's just about it.

MR. MIELE: All right. Now let me put myself straight with you.

MR. ROSELLE: All right.

MR. MIELE: There won't be no more loads going in there of mine. That's a guarantee.

MR. ROSELLE: You put one in there yesterday.

MR. MIELE: Well, what was I doing? I was dumping garbage in there yesterday. It's a factory load; it's an extra--

MR. ROSELLE: It wasn't no factory load because I stood right there with Steamboat when he dumped it.

MR. MIELE: It was an open truck and the truck number was Number 11.

MR. ROSELLE: There was two of them that went in there.

MR. MIELE: One right after the other.

MR. ROSELLE: That's right.

MR. MIELE: Yeah, and one was Number 11 and one was Number 14.

MR. ROSELLE: I don't care what truck it was. It had no business back there.

MR. MIELE: All right, they won't go back there no more. I can assure you that. That, I can guarantee you. Number 2 is this: Why the hell do I have to get hell for every time I turn around and breathe, when you go over there and offer them guys help to pull their bulldozer out. And Number 2, Iommetti goes over there and gives them a water pump to pump water for their stinking fire. And Number 3, right after you called me Saturday night, whenever the hell time it was, about a half hour afterward, these guys call me up and ask me to come down there and operate their stinking bulldozer because

they ain't got nobody to operate it, and I refuse, and yet, to top it off, the ones that are supposed to be one hundred per cent with the organization, Iommetti and Roselle, volunteer help to them. Now can you answer that for me?

MR. ROSELLE: Yes, I can.

MR. MIELE: All right, go ahead.

MR. ROSELLE: I was down there.

MR. MIELE: Go ahead.

MR. ROSELLE: The bulldozer was in the middle of the fire.

MR. MIELE: Correct.

MR. ROSELLE: And I specifically told them that if my house was on fire, I would expect them to come and help me. And if my people were in the house-- In that particular case, their bulldozer was in the fire. I told them I would pull their bulldozer out and that's all.

MR. MIELE: Well--

MR. ROSELLE: And you ask them if I didn't tell them that.

MR. MIELE: Well--

MR. ROSELLE: I said the same as if I seen one of my trucks burning and one of their fellahs had a fire extinguisher, I didn't expect him to stand by and let my truck burn.

MR. MIELE: Well, I certainly wouldn't--

MR. ROSELLE: That's about the general crux of it. Regardless of who it is, anybody that's in trouble to that extent where personal injury is going to be damaged, I'll certainly do what I can do for him. That's got nothing to do with a complete fight. In other words, when I'm fighting, they can't get any pumps from me and

stuff like that. But if they're in such a jam that one of their pieces of equipment is going to burn up and I see fit to do something to save the equipment - nothing else - I figure I've got a perfect right to do that.

MR. MIELE: Well-

MR. ROSELLE: Do you agree, or don't you?

MR. MIELE: That's not my argument anyway. I was just - I only asked for an explanation, and I got an explanation. The water pump that Iommetti gave them, I'll forget about that. The thing or the point that I'm trying to drive at is that I look at them guys and I'm in trouble. Other people offer and volunteer help with them, and it's all right with them. That's the point I can't understand. I mean, that's--

MR. ROSELLE: Well, I don't know nothing about Iommetti giving them a pump. I'll be frank, that's new to me.

MR. MIELE: Well, Iommetti gave them a water pump.

MR. ROSELLE: Well, I'd be ashamed. I'd never leave somebody's equipment in there to burn.

MR. MIELE: No-

MR. ROSELLE: Regardless of how I felt personally.

MR. MIELE: Well, at any rate, getting back to this other situation - you were over there yesterday speaking to my father about that job up there in North Caldwell, and that's all been clarified and we appreciate the clarification on that; I want you to understand that. But now, getting back to that bidding proposition, I got information to the extent that this guy, Ace Pinto, is going to bid that job. Now,

I don't know whether it's true, false, or indifferent, but my resources are very, very reliable, and that's the story. Now you can take it on from there, Cush.

MR. ROSELLE: Well, I'm sure we can cope with that.

MR. MIELE: Well, so long as you can cope with it in a proper manner, that's all that's a necessity.

MR. ROSELLE: Yeah.

MR. MIELE: Now, getting back to this other situation about the dumping of the loads, I can assure and I'm guaranteeing you now - and you can have your survey man or anybody else verify it - that you'll see no more of my loads going in there.

MR. ROSELLE: That's the way I like to hear it.

MR. MIELE: Number 2: If you intend, if the organization intends for me to be on their side, which I want to be and I'm trying to prove that I want to be on their side, what is the organization going to do for me about the \$250 stop that I lost?

MR. ROSELLE: Which one?

MR. MIELE: That one with Capolla, the one that I mentioned to you several weeks ago.

MR. ROSELLE: Well, if you remember correctly, we told you we could do nothing about it.

MR. MIELE: Uh, huh--

MR. ROSELLE: You'd have to see Freddie on that, wouldn't you?

MR. MIELE: Well, I'd--

MR. ROSELLE: It's under his setup. Now what else can I tell you?

MR. MIELE: How can I see him when I'm not a member of the

organization?

MR. ROSELLE: Which?

MR. MIELE: I'm not a member of the private's organization.

MR. ROSELLE: Aren't you?

MR. MIELE: No.

MR. ROSELLE: Well I - I mean, there's nothing I can do for you, because he knows nowhere where I know of, you know. Where is he dumping?

MR. MIELE: Well, I thought I went through that explanation that he's dumping in the Lyndhurst dump.

MR. ROSELLE: Which one? In the private dump though.

MR. MIELE: Well, it's - I guess so, yeah.

MR. ROSELLE: It's not Viola's?

MR. MIELE: No, not Viola's.

MR. ROSELLE: Then what can I do?

MR. MIELE: Nothing you can do.

MR. ROSELLE: No, not at this time. I mean, I'll be frank with you.

MR. MIELE: Let me ask you a question then, and I want a straight answer. If I lose a stop, legitimately, to anybody that's dumping in North Jersey's dump, can you - if it's investigated and I - it's found out -

MR. ROSELLE: I could be worked out.

MR. MIELE: You can work it out?

MR. ROSELLE: Yeah.

MR. MIELE: Well, that's all I want to know. All right, Cush. That's it then.

MR. ROSELLE: All right.

MR. MIELE: Right-o.

MR. ROSELLE: So long. MR. MIELE: Bye-bye.

SENATOR JONES: Will you turn that record over to the Secretary, who I am now directing in turn to turn the recording over to the State Police for safe-keeping until further direction from the Committee.

Now, Mr. Miele, will you move over and take the stand? You have already been sworn. You're under oath.

Go ahead, counsel.

FRANK MIELE, JR., having been previously sworn, resumed the stand and testified as follows:

BY MR. GROSS:

Q Mr. Miele, I show you a record of a series of phone calls and ask you whether that will help you remember when this recording was made. A Yes, most assuredly. It's a concise record of October 26, 1956, Tape No. 2; it represents the time that calls were either made by me or calls came into my office, and it also represents the section of the tape where such conversation took place.

Q When was this conversation between Cush Roselle and yourself, when did it take place?

SENATOR JONES: Didn't he say October 26th?

A This particular conversation took place at 10:35, October 30, 1956. I called Cush Roselle, and it's represented on the tape from-- I don't know how the tapes are measured. I think they are measured in inches - 389 to 479.

Q Is that a true and accurate record of the conversation as it took place? A One hundred per cent.

BY SENATOR JONES:

Q Just as you heard it played here? A That is absolutely correct.

MR. GROSS: That's all.

SENATOR JONES: Call your next witness, counsel.

MR. GROSS: Mr. Cassini.

MR. MERRITT LANE, JR. (Counsel for Joseph C. Cassini, Jr.): Senator Jones, before the witness is sworn, I would like to make an application to the Committee. As you undoubtedly know, Mr. Cassini, together with I think five other defendants, has been indicted in Essex County in connection with a job in Belleville. I think that any examining of Mr. Cassini at this time, while he is still under indictment, can only result in prejudice to him in his defense of the indictment.

Mr. Cassini is only too happy to cooperate with this Committee wholeheartedly and to give them any information that they desire, but he requests that his testimony be taken either in a private hearing or that his testimony be deferred until after the indictment has been disposed of.

SENATOR JONES: Well, Mr. Lane, this Committee is crippled enough for the want of funds and the want of help, and we have been traveling at a snail's pace in a most important area so far as the public interest is concerned and so far as the Legislature of New Jersey is concerned. And, of course, I think you can agree with me we are under no obligation to defer calling him as a witness at this time, and I think also that you have by the very nature of your motion suggested that something can happen here that will impair his defense. The fact of the matter is that you don't know what the questions are going to be, and it seems to me that the least you can

do at this time is to wait and see how the questions and how the examination go, and at that time you can arrive at some basis of taking care of all of your client's interests, as I know you will and as I know you should.

MR. LANE: Let me just say--

SENATOR JONES: Do you want to say something more to the point?

MR. LANE: Yes. Let me say this, Senator Jones: This is the fourth day that Mr. Cassini and I have been here, and we have had an opportunity to observe the manner in which the questioning has been carried on. I don't mean to imply by my motion that there can be brought out anything in connection with the Belleville job; I imply, however, that whatever has gone on in this chamber has received wide publicity in the papers read in Essex County, from which the jurors will be drawn should the indictment ever be tried, and the mere fact of the questioning and the type of questions that have in the past been asked and that may be put to the witness I feel would prejudice his defense.

SENATOR JONES: And I think that anything that is done here that could be considered as prejudicing his defense, while I don't concede that that's the fact, I think that you will have ample opportunity before the county courts or whatever court will try this matter involving Mr. Cassini to make sure that the Judge sees to it that your rights are not impaired at that time.

This is a legislative proceeding, we are interested in determining facts, and I am afraid that we will have to proceed as such, Mr. Lane.

JOSEPH C. CASSINI, Jr., called as a witness, being
duly sworn, testified as follows:

BY SENATOR JONES:

Q What is your name, sir? A Joseph C. Cassini,
Jr.

Q Where do you live? A Oak Bend Road, West
Orange.

Q How old are you? A 39 years old.

Q What is your business? A Contractor.

Q What kind of a contractor? A Garbage,
wrecking.

Q How long have you been in the garbage business?
A Approximately 13 years.

Q Are you employed by a garbage concern, are you a
stockholder, or how do you trade? A James Petrozello
Corporation.

Q James Petrozello Corporation. A Company.

Q But that's a corporation of the State of New Jersey.
Is that right? A Yes, sir.

Q And are you a stockholder? A Yes, sir.

Q Who else are stockholders in this corporation?
A James Petrozello and Ann Cassini.

Q Is Ann Cassini related to you? A Yes, sir.

Q She is what? A My wife.

Q And who is James Petrozello? A My father-in-
law.

Q How old is James Petrozello? A Well, I think
he's 74 years old, or 75.

Q And he's not actively engaged any longer in the

garbage business, is he? A Well, I don't know what you mean by "actively engaged." He's in the office every day.

Q Well, let's put it this way. I'm just trying to get along quickly. If you want to go along slowly and be precise, which is your right, we'll do that with you too. James Petrozello is a stockholder in the corporation. Is that right? A Yes, sir.

Q How much stock does he own? A I don't know right now.

Q How much stock do you own? A I don't know.

Q How much stock does your wife own? A I don't know.

Q How much stock is issued? A I don't know.

Q All you know about the corporation is that only the three of you hold the stock; is that right? A Will you repeat that?

Q All that you know is that only the three of you own all the stock; is that right? A Well, I know more about the corporation, but as to the exact number of shares we hold, I don't know.

Q Well, are there any other stockholders besides the three people that you have mentioned? A No.

Q Who is President of the corporation? A James Petrozello.

Q And what are you? A I am the Secretary.

Q What is your wife? A Assistant Secretary.

Q What duties are assigned by the corporation to the President and what duties does he discharge? A There

are no duties that are assigned to him particularly.

Q What duties does he discharge? A He discharges the duties of President.

Q What are they? A He signs checks.

Q He signs checks. What else? A He visits the jobs and the work we have at his discretion, at his leisure.

Q How frequent is "at his discretion and his leisure"?

A It depends on his physical condition.

Q His what? A His physical condition.

Q It depends upon his physical condition. A Right.

Q And what is his physical condition? A At times he don't feel well, at times he feels well.

Q Are you able to estimate how frequently he has looked in on these jobs? A Over what period of time?

Q That's fair enough. For the current year.

A Current year?

Q Yes. A I think he has given a few days a week to the jobs.

Q Every day? A Practically. It might be four days a week or five.

Q What about the year prior, 1958? A 1958? I wouldn't know; I couldn't answer that as to how many days a week. He's his own boss, and the days he visits the jobs I wouldn't know.

Q You don't know. Well, how is it you know about this year? A Well, because it's more current, it's fresh in my mind.

Q And so for 1958 you don't know or can't make an estimate of how much he looked in on the jobs, and what would you say for 1957? A I would say a couple of days

a week.

Q A couple of days a week? A Yes, that I know of that he has been there at the office and on the jobs, where I've met him on the jobs.

Q All right. How about '56? A Well, he had an operation in '54 or '55, I forget which year, and he has had some physical difficulties during those periods of time, but now he's recovered pretty well. But in '53, '54 and '55, it was spasmodic, his attendance on the job and in the office.

Q In other words, in '53, '54 and '55, he was in such physical condition that he could not discharge any really active duties as President of the corporation; is that right?

A Well, I'd like to have that repeated.

Q So for 1953, 1954 and 1955, he was in such physical condition that he was unable to discharge duties as President of the corporation in any active sense; isn't that right?

A No.

Q That is not right? A No.

Q Well, tell us what he was able to do in the years in question. I gained the impression - you said they were bad years for him in health. A Yes, they were. He had operations, but an operation means maybe he'd be absent for just 2 months, so after a 2 or 3-month period he might visit the office one day a week or occasionally, but it wasn't that he was absolutely out of the office.

Q O.K. But in respect to his duties, both as they relate to the present and as they related to the past, they were greatly diminished; isn't that right, as a result of

his health? A I think so, because of his age.

Q Is he paid an income from the corporation?

A Yes, he is.

Q And what was his income for the years beginning in 1953?

A I don't know.

Q You don't know his income for any year from 1953 up to and including the present time?

A No, I couldn't say with certainty.

Q Are you prepared to make an estimate?

A No, I am not.

Q You are also the Treasurer of this corporation, are you not?

A Yes, sir.

Q And your father-in-law is paid by check, isn't he?

A Yes, sir.

Q And you sign the checks, don't you?

A Yes.

Q And you signed the checks from 1953 right on through and up to and including the present time, haven't you?

A Yes, sir.

Q And you now tell us that you don't know what his income is for any period of that time?

A No, sir.

Q Now tell me about your wife. Well, before we go to your wife: When did you sign his last check?- just so that we have it in the record.

A I don't remember.

Q Well, how is he paid? Weekly, bi-monthly?

How is he paid? A Well, he's paid whatever the traffic can bear. If we are short of funds, we don't take any salary. If we have an excess amount where we can take a salary, we take it. There is no specific time.

Q And you don't recall the last time you paid him

a check? A No, sir.

Q Is that because it was so long ago? A I don't know.

Q You don't know. A When you say "long ago," I don't know how long ago.

Q Well, is that because it was more than a month ago? A Yes, it was over a month ago.

Q Was it over 2 months ago? A I don't think so. It's within a 2-month period.

Q Within 2 months. So you can't remember what you paid your father-in-law by check in the past 2 months.

A That's right.

Q All right. Now, what is your wife's title with the corporation? A Assistant Secretary.

Q Incidentally, before we get to your wife, what other duties are assigned to your father-in-law besides looking in on the jobs and acting as the President?

A I don't know of any others.

Q What's that? A I don't know of any other assignment.

Q And when you say "acting as the President," I suppose you mean that he's the fellow who sits at the head of the table when you have a corporate meeting and he directs the meeting, and you and he and your wife as directors - I assume you are all directors, aren't you? A Yes, sir.

Q And you and he and your wife discharge the business of the corporation - that's what you mean by acting as President. You don't mean anything else, do you? A Well, anything that comes within the function of the President. He advises me on certain matters, and

he has guided me to the best of his ability when maybe I asked him for it. I live with him and we have discussions about garbage collection or wrecking, and he also is in the sewer contracting business.

Q In other words, he is a mentor of yours and he gives you advice upon your asking for it? A That's right.

Q And you solicit him for advice from time to time.
A Sometimes.

Q That's what you mean by "acting as President"?
A Yes.

Q Does he help you in bidding anymore? A Yes.
On this last bid he helped me, yes.

Q What bid was that? A West Orange.

Q He helped you in the West Orange bid? A Yes.
That happens to be the city we live in. He's familiar with it.

Q Now on reflection are you satisfied that what you are saying is so? A Well, it's true.

Q All right, if it's true I won't press it any further; that's your statement. Did he help you in bidding any other place? A I can't remember.

Q You can't remember? A I don't know.

Q You don't know? A No.

Q All right, let's get to your wife? She's married to you and you have children? A Yes.

Q How many? A One boy.

Q And how old is he? A Nine.

Q Your wife is Assistant Treasurer; what income is she presently receiving from the business? A Well, she is not receiving an income but maybe at Christmastime we would give her a check of a hundred or a hundred and fifty

dollars.

Q Is that what your wife received as a wage or gift or bonus, an amount of money that came from the corporation for the year 1958? A Well, as to the amount, I don't know the amount, but I know we have given her something on Christmas for the corporation for the work she does.

Q But you don't know the amount for 1958 for Christmas? A I might be \$50 or it might be \$100, but it's in that area--

Q And no more? A --and it's no large amount.

Q And she receives no other moneys? A No.

Q Now, incidentally when you trade in the garbage area, and I think you said you are in the trucking business and the sewer business-- A Wrecking. My father-in-law is a partner with his brothers in the sewer contracting business.

Q That's beyond our scope, Mr. Cassini. Is there any other company that's in the garbage business besides James Petrozello & Company that you're associated with?

A That I'm associated with?

Q Yes. A Garbage collection business?

Q Garbage disposal, collection-- A Garbage disposal.

Q What company is that? A North Jersey Disposal Company.

Q O.K. I just wanted to get that down. Now let's go back. Is there any other besides North Jersey Disposal?

A May I have a drink of water?

Q Sure, you can have a drink. We'll take a recess while you get a drink.

After recess.

BY SENATOR JONES:

Q Now, are you rested and refreshed with your drink of water? A Yes.

Q I think we found out it was the North Jersey Disposal Company that you have some association with in garbage disposal. Is there any other company that you have a personal relationship with? A No.

Q So when we are talking about garbage in your connection, it is North Jersey Disposal and James Petrozello & Company; is that right? A Yes.

Q All right. Now let's go back to - Having established that these are your two areas for functioning, let's go back to the first one. I think you testified that Ann Cassini is Assistant Secretary; I think you testified that she has received yearly something in the nature of fifty to a hundred and fifty dollars as some type of a salary or-- A Bonus.

Q -- or bonus, or whatever you want to call it, and no more than that? A That's right.

Q Now, what duties are assigned to her? A Well, she takes care of the bills that come in, she files them so that I can check them and pay them; she assists the accountant in making the social security and unemployment act returns.

Q Anything else? A That's about it.

Q Now, what are the duties that are assigned to you in the capacity that you've already testified to?

A Well, I shape the men up in the morning, I instruct the foreman, I buy the trucks, check the maintenance, pay the bills, collect the bills, general negotiation of contracts

between the company and the cities, make the bids, check the towns where we make the bids. I think that would cover it.

Q That covers it? A Yes.

Q And what is your income from James Petrozello & Company, on a salary or bonus or other basis, for 1959? For 1959 up to and including the present time? A Would you mind repeating that, please?

(Question repeated by stenographer):

Q From January 1959 up to and including the present time. A I really wouldn't know.

Q You don't know? A No.

Q And do you know what your income was for the year 1958 from James Petrozello & Company? A No, I would not know.

Q You don't know that either? A No.

Q How about 1957? A No, I do not know that either.

Q 1956? A No, sir.

Q 1955? A No, sir.

Q 1954? A No, sir.

Q 1953? A No, sir.

Q And how long have you been in the garbage business? A Thirteen years.

Q Can you name what your income was for any year of those 13 years from James Petrozello & Company?

A No, sir.

Q You file income tax returns? A Yes, sir.

Q Yearly? A Yes, sir.

Q And you filed income tax returns for the 13 years in question? A Yes, sir.

Q Has the corporation ever declared any dividends?

A Yes, it has.

Q For what years did it declare dividends?

A I wouldn't know that.

Q And this is true then for the whole 13 years, is that right?

A That's right.

Q Who is the accountant for the corporation?

A Harrington and Nichols.

Q Where are they located?

A New York City.

SENATOR JONES: Will you excuse me a minute, Mr. Cassini and Mr. Lane? I have a telephone call.

(After recess)

BY SENATOR JONES:

Q The attorneys for the corporation have been whom? irrespective of Mr. Lane, who obviously is counsel to you now - I don't know whether he is counsel to the corporation or not. I am talking about the corporation.

A Well,

Mr. Lane has been our attorney in previous years.

Q He has represented the corporation for what years?

A Well, in different matters in different years. The years, I don't know or remember, but he has been retained.

Q Does any other lawyer represent the corporation?

A And my father, Joseph Cassini.

Q Your father, Joseph Cassini, is a member of the bar of the State of New Jersey?

A Yes, sir.

Q And he also represents the corporation?

A Yes.

Q And how many years has he represented the corporation?

A I think, since its inception.

Q He incorporated it?

A I think he did.

Q He has no relationship to the corporation except as on a fee or retainer basis? A Yes, sir.

Q Now, this corporation, so that we can specify it for the record, has been engaged in the municipal or public garbage contracting for the past 13 years; is that right?

A Yes.

Q And would you tell us the towns that it has been successful in having garbage contracting for the past 13 years - is that right? A Yes.

Q And would you tell us the towns that it has been successful in having garbage contracts let to it? A East Orange, Roselle Park, West Orange, Springfield, and Rahway.

Q And would you also be good enough to tell us what towns - well, before I do that: Is it fair to say for the record, and correct me if the statement is too general - is it fair to say for the record that your business is generally located in the Essex-Union County area? A Where I have been successful, yes.

Q Now, for instance, you bid in other counties, do you? A Yes, sir.

Q What other counties and towns do you bid in? A I bid in Passaic, I bid in Bergen, and I'm not sure about Hudson.

Q You're not sure about that? A I'm not sure, but there's a possibility, I mean, in general.

Q Where did you bid in Bergen? A I bid in Fair Lawn.

Q Where else? A Lyndhurst. And Passaic - that would be in Passaic County.

Q We'll leave that out; we'll come to that in a

minute. Fair Lawn and Lyndhurst so far - where else?

A North Arlington.

Q Where else? A That's all I can remember.

Q Where did you bid in Passaic? A The City of Passaic.

Q Any other place? A I don't remember any other place.

Q And you don't remember about Hudson? A No.

Q Now, how many times did you bid in Fair Lawn?

A I don't remember that.

Q How many times did you bid in Lyndhurst?

A I don't remember.

Q How many times in Passaic? A I don't remember that either.

Q And I can't ask about Hudson because you don't remember to begin with. A That's right.

Q You did bid the Fair Lawn contract in which Capasso was the successful bidder, though, didn't you?

A Yes, sir.

Q You remember that, don't you? A Yes, sir, I think we do; you were the attorney and--

Q That's right. So you remember bidding there, and for what year was that? A I don't remember that.

Q Do you remember who bid in the Fair Lawn job in question? A Well, Capasso was one bidder.

Q Right. A And I don't remember who the other bidders were.

Q You don't remember any of the other bidders?

A No.

Q What can you say about who bid the jobs in Lyndhurst and Passaic? A Well, when I bid Passaic I know Frank Stamato bid because he was the successful bidder. The other jobs I have no recollection as to who the bidders were.

Q You don't know who the other bidders were.

A No, it was one of these garbage contractors that are bidding all jobs, and to specify who it was, I can't say.

Q You can't do that? A No.

Q It is true, however, that for the past eight or nine or more years you have been in charge of making the bids for the towns; isn't that true, as far as your corporation is concerned? A No, I would not say that I was in charge.

Q Well, now, who is the man in your corporation, then, who sits down and says that the job will cost so much, the payroll will be so much, the trucks will cost so much, and finally gets down to saying how much you are going to bid?

A I wouldn't say there is any one man. I would say there is a discussion, I mean it's between Mr. Petrozello and myself.

Q Right. Your wife is not in on this, is she?

A No. We might be twenty or thirty thousand dollars difference.

Q Well, I'm not asking you how much difference there might be. A Well, I just want to answer your question--

Q I'm simply asking you-- A --to show you there is no one in charge between Mr. Petrozello and myself in regard to the bidding. He might figure it and I might figure it, and we might be twenty-five or thirty thousand dollars apart, and then in a discussion he might try to

convince me where he's right and I may try to convince him where I'm right, and that would be the bid price. Now, as to whose price we use, I can't say.

Q Whatever that price is, it's a combination of your joint judgment? A I would say it's the influence of both.

Q All right. And he doesn't go to the municipalities to submit the bid, does he? A I don't remember. I can't say.

Q You don't remember. You're the fellow who does that, aren't you? A Would you mind repeating that question?

Q Which one? The one I've just asked? A No, the one previous to that.

Q (Question repeated by stenographer as follows): He doesn't go to the municipalities to submit the bid, does he? A I don't--

Q You're standing on your answer? A Yes.

Q You recall your answer, you've had the question repeated, and you're standing on your answer? A Yes.

Q All right. You're the one who goes to the communities to submit the bid for Petrozello and Company, aren't you? A You mean at the time the bid is called?

Q Yes. A Not all the time, no.

Q Who does it? A Oh, I've sent on occasions a cousin of mine, and on a couple of occasions I've sent my brother.

Q Who is your brother? A William Cassini.

Q Is he in this business with you? A No, sir. He was at one time employed by the company for about a year.

Q And who is your counsin? A Herman Cassini.

Q Is he employed by the corporation? A No, sir.

Q He did this as a favor to you? A That's right.

Q Now, James Petrozello & Company own a building, don't they? A Where?

Q East Orange. A They own three or four buildings.

Q Well, I'm not too interested in some of the buildings that they own. A Pardon me, sir. Would you repeat that again?

Q (Question repeated by stenographer as follows): James Petrozello & Company own a building, don't they?

A No buildings.

Q No buildings. What is the address of the building that is leased to Serratelli's Union - what is it, Local 945?

A What building are you talking about?

Q Do you know where the headquarters for Mr. Serratelli and the Local Union 945 is located? Do you know where that is? A That's on Bloomfield Avenue in Clifton.

Q In Clifton? A Yes, sir.

Q Now? A Yes.

Q Where was it prior to that? A On Sanford Street in East Orange.

Q What's the number on Sanford Street, East Orange? A 298.

Q 298 Sanford Street, East Orange. A 296.

Q Who owns 298 Sanford Street, East Orange? A James Petrozello.

Q Does he own that individually? A He owns it individually.

Q And who are the tenants in the building?
A Local 945.

Q That's the Serratelli Union - that's the Garbage Union? A It know it as the Teamsters' Union.

Q Teamsters' Union. Serratelli is the agent and the general man in charge? Isn't that right? A When?

Q Before he disappeared. Do you know where he is?
A No, I don't know where he is.

Q All right. Now, before he disappeared-- A Do you want to know the tenants?

Q Yes, I want the tenants. Now, you know what I'm talking about, Mr. Cassini. A You want the rest of the tenants that occupy the building?

Q Yes, I want to know the tenants that occupy the building and then we'll come back to Local 945, which Mr. Serratelli is the head of and at this moment is wanted for process and has disappeared. Now, let's find out the other tenants first. A Mr. Riccadelli.

Q Who is he? A He has a store.

Q What kind of store? A A grocery store.

Q Next man. A Colony Lumber Company.

Q All right. Who owns that? A I don't know the man's name.

Q O.K. Who else? A There's the Thorpe Athletic Club.

Q Who owns that, or who is the man in charge of calisthenics? A I don't know who he is.

Q You don't know who that is. Who else?

A Joseph Saletto.

Q Joseph Saletto. What does he do? A I don't know what he does. He lives there, upstairs.

Q He lives there. Who else? A Minoni.

Q What does he do? A I don't know what he does.

Q Who else? A Then there's Vito Tennaro.

Q What does he do? A He's employed by the City of East Orange.

Q What does he do, live there? A Yes.

Q O.K. A And there's a Mrs. Carabrese.

Q Mrs. Carabrese? A Yes.

Q What does she do? A I don't know what she does.

Q Does she live there? A Yes.

Q Anybody else? A I think that's all.

Q Now, when did Serratelli move out and did Local 945, Teamsters' Union move out? A December 1st.

Q What year? A I think, 1958.

Q December 1, 1958, some 4 or 5 months ago, right?

A That's right.

Q Had Serratelli disappeared by this time?

A I don't know.

Q You don't know. How long ^{had} Serratelli and Local 945 been at that address before they moved out and before Serratelli disappeared? A Well, that's in two parts. What's the first part?

Q How long had Serratelli and Local 945 been a tenant in the building before they moved out in December - part 1? A Around 1956, the beginning of 1956 or the latter part of 1955.

Q O.K. So Serratelli was a tenant in the building for roughly 3 years. Right? A Serratelli was not a tenant.

Q Well, Local 945. A Local 945.

Q And Local 945 - that was the headquarters for Local 945, wasn't it? A It was the office.

Q And Serratelli had an office within that office, didn't he? A Yes.

Q What was the rental arrangement between Local 945 and James Petrozello & Company? James Petrozello.

A James Petrozello?

Q Yes. What was the rental arrangement? A The arrangement was \$65.00 per month, and he was to do all inside repairing and decorating.

Q Are you testifying at this time that there was a rent arrangement which involved the passing of \$65.00 a month from Local 945 to your father-in-law, James Petrozello?

A Yes.

Q For the period in question? A All the time that 945 was occupying Sanford Street they paid \$65.00 per month.

Q And you were paid how? A By check.

Q Signed by Local 945, Serratelli, or its agents?

A I don't think Serratelli ever signed a check.

Q All right. It's one o'clock. We'll get some lunch. Be back at two.

(R E C E S S)

AFTER RECESS

SENATOR JONES: We will resume with the hearing.

Mr. Lane, we have had a conference during recess and, since we are not eliciting what we consider satisfactory information from the point of view of the testimony which is largely "I don't know" testimony or "don't remember," and which testimony, in fairness at this time, I don't want to characterize one way or another, I think that what we are going to do is to ask your client to submit records which will make it possible for us to get more precise answers to our questions. And so for now we are going to ask a few questions, and we'll get together with you and see what you can submit to us that will make our inquiry get along a little bit on a more informative basis.

MR. MERRITT LANE, JR.: Senator, we will be very happy to co-operate. I just want to say one thing so that you will understand the situation: You say that his answers are unsatisfactory. I presume that--

SENATOR JONES: I don't mean by that - now, remember, I didn't characterize them. They are unsatisfactory from the point of view of our getting factual content. That's all for now that I will say.

MR. LANE: I just want to explain one thing, because I assume that the main questions you are talking about are the financial questions as to how much he got. You didn't ask him why he didn't know, but I will tell you. He doesn't know because there is no set salary that he takes, and he has income from investments and other things. He relies upon an accountant to make up his income tax returns.

SENATOR JONES: That's why we'll get the records.

MR. LANE: We will be happy to submit whatever records you want.

SENATOR JONES: O.K. All right, proceed, counsel.

MR. JOSEPH CASSINI, JR., having been previously sworn, resumed the stand, and testified as follows:

BY MR. GROSS:

Q Now, Mr. Cassini, is it correct that the last bid which you placed on the Elizabeth job, City of Elizabeth, was in 1955, a 3-year contract beginning in 1955? A I don't remember that.

Q Well, the records indicate that in 1955 for the 3-year contract commencing in that year Petrozello and LaFera placed a bid for \$1,250,000 for a 3-year contract. Would that sound correct to you? A Is that what the record says?

Q Yes. A Well, then, that's it.

Q Would you remember in that year, or do you know that Fereday & Meyer was awarded the contract for \$1,215,000?

A I don't know if he was awarded it. I know he was doing the job in 1955 and 1956.

SENATOR JONES: Well, he must have been awarded it or he couldn't do the job.

THE WITNESS: Well, he might have been doing it on a per diem. I don't know what the arrangements were or what happened. He don't have to have it awarded.

SENATOR JONES: And you don't know whether he got the contract award in that year?

THE WITNESS: No, I do not.

SENATOR JONES: You don't know.

THE WITNESS: I don't know who was awarded it.

SENATOR JONES: O.K. You know that Fereday & Meyer was doing the work and you take the position that it might have been on a per diem?

THE WITNESS: Yes, sir, it might have. I know he was doing the work.

SENATOR JONES: So you don't know that he was the successful bidder at the time?

THE WITNESS: No, I don't remember that he was the successful bidder in the bidding. I don't remember.

Q Do you know that the other bidders that year, aside from Fereday & Meyer, and Petrozello, and LaFera were Capasso Bros. and Peter Roselle & Sons? Does that sound correct to you?

A No, I wouldn't remember that either.

Q But you have no quarrel with that if the record indicates it? A If the record so indicates, I wouldn't quarrel with the record.

Q Now, prior to January 1, 1955, when the bidding took place, did you have a meeting with Mr. Lippman of Fereday & Meyer and Capasso and Cush Roselle in the Sorrento Restaurant?

A No, sir.

Q You had no such meeting at any time? A No, sir.
BY SENATOR JONES:

Q Do you know where the Sorrento Restaurant is?

A Yes.

Q Where is it? A I don't know what street it's on directly, but I know it's on Park Avenue in Newark; it's on the corner.

Q You've been there? A I think I have been there to a wedding, but that's about all. I never had lunch there.

Q And never with these men or any of these men?

A Never with these men or any of these men in the Sorrento Restaurant.

SENATOR JONES: Go ahead, counsel.

BY MR. GROSS:

Q Now, prior to the same contract, January 1, 1955, 3-year contract, did you make an arrangement with any contractor, including Mr. Lippman of Fereday & Meyer, by which arrangement you personally, or as a representative of the Petrozello Company, were to receive the sum of \$25,000 to post only a complimentary bid on that job? A Will you say that again?

Q (Question repeated by stenographer)

A Positively not.

Q Positively not? A Positively not.

Q All right. Was there any such arrangement for any other sum other than \$25,000 which you were to get, either individually or as a representative of any contracting firm, so that you would not post a real competitive bid in Elizabeth of January 1, 1955? A Positively not. In fact, to qualify for that job, there was a clause in that contract, now that it comes to my mind, that limited the mileage of the dump from Elizabeth, and the Petrozello Company was disqualified because our dump was in Kearny and it was too far from Elizabeth, the City of Elizabeth, and we took the City into court and we fought to bid that Elizabeth job. So when I bid Elizabeth I bid it to get it, and there was no deals with Mr. Lippman; in fact, there was very bad blood at that time between Mr. Lippman and I, because he resented the fact that I was his competition, which happens in all jobs and which happens when you take a job from anyone; they don't like it

whether it be in a garbage contract or an employer.

Q Now, Mr. Cassini, did you, or have you at any time told any individual that you accepted the sum of \$25,000 or any other sum from Mr. Lippman or any other contractor for and on account of either you individually or as a representative of Petrozello & Company for your not bidding, or posting only a complimentary bid on the Elizabeth job which was awarded January 1, 1955?

A I just told you that I bid to take the job.

Q Did you ever tell anyone that you accepted--

A How could I tell anyone when I bid to take the job?

SENATOR JONES: Just say "No," if that's the answer.

THE WITNESS: Well, I think it's ridiculous.

SENATOR JONES: You think it's ridiculous?

THE WITNESS: Yes.

SENATOR JONES: All right, but is the answer "No," you did not?

THE WITNESS: Positively not.

SENATOR JONES: O.K. That's all. Just say "No, I did not so say." Is that your answer?

THE WITNESS: Well, it's repetitious. I've said it, and I don't know how much more emphatically I can say it.

SENATOR JONES: All right. You just leave it to counsel, and if he's repetitious he may have a reason, and all you've got to do is to answer the question succinctly. And you're quite positive about it. The answer is "No." Isn't that right?

THE WITNESS: Positively.

SENATOR JONES: O.K., positively.

BY MR. GROSS:

Q Now to leave that situation, Mr. Cassini, and go to the early part of 1956, did you attend a meeting at the Union Office, which address you have just described before lunch, where were present Crush Roselle, Mike Signorelli, and Frank Miele, Sr., among others? A No.

Q You never attended such meeting? A No.

SENATOR JONES: Where?

MR. GROSS: This was at the office of the Union headquarters.

SENATOR JONES: What date?

MR. GROSS: Sanford Street.

SENATOR JONES: Well, he knows they were on Sanford Street.

MR. GROSS: He knows the address. East Orange.

SENATOR JONES: What date?

MR. GROSS: The early part of 1956.

BY SENATOR JONES:

Q The answer is still "No"? A Right.

Q Any of them, or part of them? A I never remember meetings being called at the Union Office.

Q Is that why you say "No"? A That's right. I never attended a meeting; I never was called to a meeting in the Union Office.

Q Well, did you attend a meeting whether you were called or not? A I never attended a meeting at the Union Office.

Q You never attended a meeting. You never went to the

Union Office? A I didn't say that. In all the while the Union Office was on Sanford Street, I never attended any meeting of anyone at Sanford Street. I might have gone there to talk to Serratelli, Deo, or Mike Ardis in reference to labor, and I might have gone there in reference to something wrong with the building where the roof was leaking and made an inspection on the repair of the building, but I never attended any meeting in the Union Office.

Q Neither in the Union Office nor Serratelli's Office within the Union Office? A When I say the "Union Office," I am taking in Serratelli's Office too.

Q As part of-- A Of Local 945.

Q All right. So when you say you went there, you went there alone on personal business related entirely to Petrozello & Company or to your North Jersey Disposal Company or attending your father-in-law's business as a landlord, and for no other reason? A The only correction is - I never went there for North Jersey Disposal.

Q All right, fine. So you only went there personally for the Petrozello Company and as a representative of your landlord father? A Correct.

Q And you did not meet with anyone else at any time in connection with any other business? A No.

BY MR. GROSS:

Q One other point, Mr. Cassini: Did you ever tell anyone that in any particular year, especially with regard to 1954, that you personally or your company which you represented made in that given year more profit, more money than the President of Grand Union? A Will you repeat that again?

Q (Question repeated by stenographer). A Grand Union what?

SENATOR JONES: Grand Union Grocery Company, or Grand Union. What does Grand Union mean to you? Now I just want you to answer the question.

THE WITNESS: The United States is Grand Union.

SENATOR JONES: Well, did you make any statement of that kind, whether it's Grand Union, or Grand Union Grocery Company, or Grand Union of the United States. Did you make that statement?

THE WITNESS: No. I have no recollection of making that statement.

SENATOR JONES: No recollection.

THE WITNESS: That's right.

MR. GROSS: That's all, Mr. Cassini.

SENATOR JONES: That's all for now. We have talked to Mr. Lane about after we achieve a better understanding of these records you will be called back, Mr. Cassini.

MR. LANE: I think, Senator Jones, when I made my statement before there weren't too many people here, and I just want to make it again.

SENATOR JONES: You mean, for the benefit of the press?

MR. LANE: For the benefit of whoever is here and wasn't here before.

SENATOR JONES: Go ahead. if you feel

that you want to do that.

MR. LANE: The reason why Mr. Cassini can't tell you how much he drew from the Company is that he was not on any salary, he had other income, and he is unable to divide the two. He has an accountant who takes care of his income tax returns. He will be happy to submit any records you want to the Committee.

SENATOR JONES: All right. We'll ask for them.

MR. GROSS: I'll call Frank Miele, Jr.

FRANK MIELE, JR., having been previously sworn, called as a witness and testified as follows:

SENATOR JONES: You have been sworn, Mr. Miele. You realize you are under oath.

MR. MIELE: Yes, sir.

SENATOR JONES: And you are Frank Miele, Jr., for the record.

BY MR. GROSS:

Q Now, Mr. Miele, have you had conversations in the past with Mr. Cassini who has just testified? A Numerous conversations.

Q Did you have such conversations on or about January 1, 1955, during that period of time? A I have had conversations with Mr. Cassini from the time of 1953 up until today.

Q Now, did you have a conversation with him with respect to the Elizabeth job which was awarded beginning January 1, 1955? A Yes.

Q When was that conversation? A That conversation

took place the latter part of 1954, I believe, in November or December of 1954.

Q Where did the conversation take place? A It took place on the telephone. I was in my office and he was in his.

Q Do you have any difficulty recognizing his voice?

A I never have had.

Q Will you tell us what that conversation consisted of?

SENATOR JONES: This is a conversation between Cassini, Joseph Cassini, who is in this room, who has just testified, and yourself.

THE WITNESS: Correct.

SENATOR JONES: In October 1954.

THE WITNESS: October, November or December. I would place it more in November of 1954. I may add for the record that I incidentally can verify the date at some future time.

SENATOR JONES: All right. We understand.

A Now, what was the question again, Mr. Gross?

Q What was the substance of the conversation which you had at that time? A Well, primarily, it was in regard to dumping of refuse in his dump, and from there it drifted into generalized conversation of the garbage industry, primarily the Elizabeth job. I knew that Mr. Cassini's concern, James Petrozello & Company had taken out specifications on the Elizabeth job and I questioned him in regard to it. I asked him if he was going to bid the job and what had he in mind in regard to the job.

Q What did he say? A He said that at that particular moment everything was straightened out and squared away as far as Elizabeth was concerned and that he and Lippman had

reached an understanding in regard to the job.

Q Lippman of Fereday & Meyer. A Good.

SENATOR JONES: Alfred Lippman.

THE WITNESS: No, he didn't say
Alfred Lippman. He said Lippman.

Q And did he relate to you what the understanding was?

A Yes. He related to me, he told me in regard to the understanding that he was going to receive \$25,000 to lay off the job.

Q And was that the extent of it? Did you go into it any further? A No, that was the extent of the conversation.

Q Did he say that any other contractor was to receive any money? A There was no other contractor mentioned at the time.

Q Did he mention at that time what his income had approximated, or did he relate that income to any other individual for the prior year? A Not to my knowledge, Mr. Gross.

Q Now, what was the other part of the conversation which you had on that date? A On that particular date? I believe that was about the size of it. It was approximately a five or seven-minute telephone conversation and, as I stated before, it just started off in regard to my dumping of refuse in his or in property that was leased by James Petrozello Company in Kearny. If I recall correctly, and I am sure that I do recall it correctly, we would negotiating a price in the dump, and then, as I stated, the conversation drifted into a general conversation about the garbage business in general, particularly this Elizabeth situation.

Q And he stated then that he had an arrangement with Lippman of Fereday & Meyer to lay off the Elizabeth job or post a complimentary bid for the sum of \$25,000.

A In essence, that's correct.

BY SENATOR JONES:

Q Did he talk to you about his income at the time?

A No, he did not, Senator.

Q I suppose you are answering my question in context with this telephone conversation, is that right? A Yes, that's correct.

Q So he never indicated to you at this time what his general income was? A No, never.

Q And he didn't indicate at this time what the income was and how part of it was made up? A No. That's correct.

Q Or from what source? A That's correct.

Q He did not at this time? A Correct.

Q What was your reply to him when he told you that he was going to ^{receive} \$25,000 for laying off the Elizabeth job and for posting a complimentary bid? A I said, "That's very nice."

Q For whom? A For Joe Cassini.

Q Anything else? A No, Senator, that's the essence of that particular conversation.

Q O.K. That's all for now, Mr. Miele.

MR. GROSS: I will call Frank Miele, Sr.

FRANK MIELE, SR., having previously been sworn, called as a witness and testified as follows:

BY SENATOR JONES:

Q Mr. Miele, you are Frank Miele, Sr., you've been sworn and you've testified heretofore, and your testimony wasn't completed, as I recall. Is that right? A Right.

Q Will you please be seated and remember that you're under oath, and we will proceed.

SENATOR JONES: Proceed, counsel.

BY MR. GROSS:

Q Mr. Miele, to refresh your memory as to where we finished last time on February 3, 1959, we were at the point when you got a telephone call in which you were told not to dump in Kearny, and you described that that call sounded like a pistol shot to you because it had never happened to you before. And you stated, "I called the representative of D & M, Mike Signorelli, and I asked him 'What do you know about me not dumping in Kearny tomorrow?'" And you set up a meeting at the office of John Serratelli and you said, "Be at Johnny Serratelli's Office because I'm leaving here." And the question put to you was: "Why did you tell him to meet at Johnny Serratelli's Office?" And you said, "I wanted to get somebody else." "Question: You wanted to get Johnny Serratelli in on this? Answer: I wanted to see where this thing originated." "Question: And you suspected-- Answer: And I suspected Johnny Serratelli." "Question: Because he was the boss? Answer: Because that was my feeling, that Johnny was pushing certain people around." "Question: In other words, you suspected and it was your thought that Serratelli was controlling certain dump owners in Kearny? Answer: Well, I suspected that he had certain influence..."

Now, we finished up at about that point. Will you describe to us or tell us how soon after that conversation with Mike Signorelle of D & M, you went to the office of Serratelli - Union headquarters? A I got down there within the half hour.

Q Did you call anyone else aside from Signorelli?

A I called Cush Roselle.

Q You called Cush Roselle? A Yes, sir.

Q What did you tell him? A I told Cush Roselle to meet me at Serratelli's Office because I wanted to get the thing of the telephone call which was given to me - I wanted to get to the bottom of it.

Q To the bottom of the reason why you were refused dumping privileges. A In the first place, I wanted to find out who it was that made the call, and the only way that I could find out was by calling in certain people.

Q What did Cush Roselle tell you? A Cush Roselle said he didn't know anything about the call but he would be at Johnny Serratelli's Office.

Q Did you call anyone else? A No, sir.

Q And you went to Johnny Serratelli's Office within half an hour? A I got down down there within the half hour.

Q Who was there when you got there? A There wasn't anybody there.

Q Well, who came in as you were there? A Well, when I got in the place there, Serratelli had a little private office and I went directly to the little office and I stood halfway in the door, and John was sitting at his desk.

SENATOR JONES: John Serratelli?

THE WITNESS: John Serratelli. And while I was asking Serratelli, "What do you know about me not dumping in Kearny tomorrow?" - while I was asking him that, within seconds Signorelle walked in, Cush Roselle walked in, and after Cush Roselle, Joe Cassini.

Q Joe Cassini walked in? A That's right.

SENATOR JONES: Now just a minute. You say Joe Cassini. You mean Joe Cassini who just testified here and who is seated in the room and the man I am pointing to? Is that whom you identify?

THE WITNESS: That's right.

Q All right. Now before we proceed further, about when was this in 1956, do you remember? A Well, I don't remember.

Q The early part of 1956? A I don't know whether it was 1956 or 1957 now. It seems to me that it was later than '56. I can't recollect whether it was in '56.

Q But it was at the time when your son, as he testified, was having difficulty with this independent organization?

A Well, as I found out after, he was having trouble with locating a dump for himself.

Q And it was about that time? A About that time, yes.

Q All right. Now, did anyone else walk in after Roselle, Cassini, and Signorelle? A My son walked in.

Q Your son? A Yes.

Q Anyone else? A No.

Q Now did you all sit down together? A We all sat down together.

Q Including Johnny Serratelli? A No, John Serratelli never came out of his office.

Q Were the doors open between the rooms? A As far as I can remember, yes.

Q And about how many feet away is Serratelli's room? A Oh, I don't know - 25 or 30 feet.

Q All right. He was alone in his room? A While I was talking to him, he was alone.

Q Now, all the other gentlemen sat down at a table in an adjoining room 20 feet away, about that distance? A Well, we sat down in the outer office, as I call it.

Q What was said? A Well, the first thing that was said, and if I remember it right it was Roselle who said, "Well, now, we want to talk to your boy." So I said, "Well, I called this meeting. My boy didn't call this meeting. I came down here to find out where this stuff originated that I'm supposed to stop dumping in Kearny tomorrow."

Q How many towns were you dumping in Kearny at that time? A One town.

Q Which town? A Glen Ridge.

Q All right. Then what was said? A I said, "You want to talk to my boy. I want to talk for me. I came down here to find out who's at the bottom of giving me orders not to dump." Well, I don't know how it came about but my subject was ignored, and Cush Roselle asked my boy, "Is it true that you're negotiating for a dump in North Arlington?" And my boy didn't answer quick enough. He just was thinking it over, as I imagine. So it took him too long for him to answer in my estimation, so I turned to him and I says, "Tell these fellows the truth." And he still hesitated. So I lifted my hand to him.

BY SENATOR JONES:

Q You mean, you lifted your hand to him so as to strike him or appear to strike him? A That's right.

Q Did you strike him? A I don't know.

Q You tried to. A I tried to. So with that--

Q He still didn't answer it. A He still didn't answer it at the moment. After, within seconds after I got

that out of my system, I got up and paced the floor, and I don't know what went on for the next 10 or 15 minutes between Serratelli - not Serratelli - Cassini, Roselle, Signorelle and my boy. I just paced the floor up and down.

BY MR. GROSS:

Q All those four were talking among themselves?

A They were still sitting at the table talking.

BY SENATOR JONES:

Q Well, you heard bits of the conversation, didn't you?

A Well, I heard bits and I didn't know what to make of it.

Q What bits did you hear? A I heard that we want you to stop this thing of being over in North Arlington trying to locate a dump.

Q What about them wanting to stop the organization?

A And also that he would have to resign as president, or whatever he was, of the--

Q Independent organization. A That's right.

Q And what did they want him to do in respect to the organization? Did they want to break up the organization?

A I don't know what they wanted him to do.

Q You didn't pick that up out of what you heard?

A No, sir.

Q What else did you pick up? A Nothing.

Q What was it that you specifically heard? Could you ascribe a specific item of conversation to one of these men or was this what came from all their voices? A No, I can't pick out any specific person who was in charge. Well, Roselle seemed to have more to say than the others.

Q Than Cassini and Signorelle? A As a matter of fact, I don't think I heard Signorelle say three words, and

as far as Joe Cassini was concerned, I don't think that he had much to say either. It was just a case of Cush Roselle doing the talking and that's all I can tell you about it.

Q Setting the terms of the discussion, is that what you mean? A That's right.

Q Did you hear Cassini or Signorelle say no to anything, or dissent from anything-- A No, sir.

Q -- that Cush Roselle was saying? A No, sir.

BY MR. GROSS:

Q After you came to your senses, Mr. Miele--

SENATOR JONES: Now, wait a minute. When you say that, "after you came to your senses," let's develop that a little bit more.

BY SENATOR JONES:

Q You were upset, I take it, Mr. Miele, at this time?

A I was very much upset.

Q You were upset because of the situation in which you found yourself of losing dump privileges because of some action that related not to you but to your son. Isn't that right? A Well, at the moment it made me hotter because of the fact that I knew nothing about these negotiations between my boy and these fellows. He didn't confide in me.

Q Which fellows? You mean Cassini and- A Cassini and Roselle and Signorelle.

Q He didn't tell you anything about it? A He just hadn't told me a thing about it, and I felt very much hurt about it.

Q So that combination of things caused you to do something that you hadn't done before, and that was to strike your son. Isn't that right? A That's right.

Q And that combination of circumstances made it such that you were quite upset at the time? A Yes, sir.

SENATOR JONES: Go ahead, counsel.

BY MR. GROSS:

Q And after that 10-minute period of pacing up and down, Mr. Miele, did you sit down again at the table? A No, sir.

Q Well, what did you do then? A Well, by that time the dicussion seemed to have been over and I walked outside.

Q Didn't you again bring up the point that you had originally set the meeting or called these people about?

A No, that flew by the board. Nothing else was said about me not dumping there.

Q In other words, was it announced to you that you again had permission to dump if your boy-- A There was no answer of any kind. The discussion as to why I called the meeting never came up.

Q Did you receive word at a later time that you were to be allowed to dump the next morning? A No, sir.

Q Did you talk to John Serratelli before you left? A No, sir.

Q Did you talk to anyone of--

BY SENATOR JONES:

Q What did you say to Cassini after you kind of settled and calmed down? A What did I say to him?

Q Yes. And what did you say to Signorelle? A I said, "So long, fellows, I'm going," not only to Joe Cassini but to whoever else was in there.

Q In other words, after you calmed down from your extreme upset-- A I wasn't calmed down at all. I was still--

Q You weren't even calmed down then? A No, sir.

Q So then during this period of great upset, you said to Cassini, Signorelle and Roselle, "So long, fellows"?

A That's right.

Q And you got no answer? A They might have said, "So long, Frank," or something like that, but I didn't -

Q I mean, you didn't get any answer to the question for which you called the meeting? A No, sir.

Q Did you leave? A I left and went outside and walked up and down the sidewalk for a few minutes.

Q Your son remained? A He remained for a few minutes.

Q Then what? A Then I suppose the thing broke up, and my boy came out and we left together.

Q What did your son tell you? A He didn't tell me anything.

Q What did you say to him? A I didn't say anything to him.

Q Did you dump the next day? A I did.

Q They didn't stop you? A No, sir.

Q Did your son tell them that he would act within the terms that they set upon him at that meeting? A I don't know what my boy told them.

Q In other words, you didn't hear what your son said to the terms that they were setting? A No, sir.

Q But in any event, you heard the terms and you began to dump again on the following morning, even though you were told that you weren't going to be permitted to dump. Right?

A I never stopped dumping, and I went back and dumped on

Saturday just as if nothing had happened.

BY MR. GROSS:

Q Did you later find out that your son had resigned in fact from the presidency of the Independent Scavengers of North Arlington? A Well, I gathered that he had resigned because, you see, his office - or my desk room was in his office upstairs in my garage, and right after that meeting, within a very short time after the meeting that was held in Serratelli's Office, all this commotion died away in my garage, and I figured that he had resigned, there was no more activity going on, but he never told me that he had resigned.

BY SENATOR JONES:

Q In other words, because you were permitted to dump and because you saw a cessation of this activity and you heard that he had resigned, you assumed that he had come to terms with the group. Is that it? A Well, that was my impression, whether you'd call it terms or what you'd call it.

Q Did you go to Serratelli's Office at Sanford Place with any frequency? At 298? A Well, maybe once or twice a year, not more than that.

Q As I recall your testimony, you were not a great admirer of John Serratelli? A I didn't admire him a bit.

Q So you didn't make it a point of going to his office unless the strains or necessity of business required it; is that it? A That's right.

Q But you did get there about once or twice a year? A Just about.

Q Did you go there for meetings with some of the other contractors? You were a member of the Association, weren't you?

A I was a member of the Association. I still belong to the Association.

Q O.K. Did you go there then during this period of time for any meetings with the Association members to dispose of Association business? A No, sir.

Q You did not? A No, sir.

Q You weren't an active member of the Association, as a matter of fact, were you? By that I mean, you were not one of the committee fellows or the vice president or the secretary; you were just a member, is that right? A Just a member.

Q But you did go there on your own business about once or twice a year while Serratelli was in East Orange at Sanford Place? A Yes, sir.

Q Where was Serratelli before Sanford Place, do you know? Where was Local 945? A The last known place that I know of him to be was in Union City. That was the last known place that I remember.

Q You mean, before East Orange? A Before East Orange, yes, sir.

Q Did you go call upon Serratelli at 945 there? A Well, it was Local 45 then. They just changed it. I was at the Union City office once or twice within a period of 4 or 5 years.

Q And I suppose you only went there infrequently? A Very infrequently.

Q Did you ever see Joseph Cassini at the office of Serratelli or in the office of 945 at any time during this period of time? A No, outside of that one meeting that I was at on account of my boy or on account of myself, that was the only time that I ran into Joe Cassini at Local 945.

Q And your observance of whether or not he was there stemmed from about two visits to the office a year?

A That's about right.

Q Do you know where Serratelli is today? A No, sir.

Q Do you have anything that would help the Committee in locating Serratelli? A No, sir.

Q Of course, again as I understand your testimony, you don't care whether he is located? A Well, it don't matter to me much whether he's located or not. If I didn't see him again, it would be too soon.

Q Well, you and I differ. I'd like to see him just once.

SENATOR JONES: Any other questions?

MR. GROSS: That's all.

SENATOR GROSS: That's all, Mr. Miele, for now. You are still under process and will continue but you don't have to attend a hearing unless you are directed to.

MR. GROSS: We'll call Mr. Maitilasso.

ANTHONY J. MAITILASSO, called as a witness,
being duly sworn, testified as follows:

BY SENATOR JONES:

Q What is your name? A Anthony J. Maitilasso.

Q Will you spell it for the record, please?

A M-a-i-t-i-l-a-s-s-o.

Q Where do you live? A 29 Snyder Avenue, Denville, New Jersey.

Q Denville? That's Morris County? A That's right.

Q What's your business? A Garbage Collector.

Q How long have you been in the garbage collection

business? A Sixteen years.

Q Are you in business on your own now? A I am now, yes, sir.

Q Under what name do you trade? A Union Hill Disposal Company.

Q Is that^a corporation of the State of New Jersey?

A No, it's just a trade name.

Q All right. And how long have you been so trading?

A A little over 2 years.

Q What did you do before that? A I was supposed to be a partner for Michael Signorelle.

Q You were supposed to be a partner of Mike Signorelle. Who is Mike Signorelle? A He's a garbage contractor in Morris, Essex, and several other counties.

Q And what does he trade under as a name? A Well, he trades under numerous names in every town he operates, he uses the township name - disposal company, in other words.

Q And were you supposed to be a partner for all of those? A No, only in Denville.

Q So what was the name of the company that you were supposed to be a partner of in Denville, New Jersey?

A Well, Denville Disposal, and everything outside of Denville was Morris County Disposal Company.

Q And were you a partner in Morris County Disposal?

Q Yes, that was the company I was supposed to be a partner of.

Q And what about Denville? Were you supposed to be a partner there? A No, I just managed that.

Q You just managed that. Now, what do you mean when you say you are supposed to be a partner of the Morris County

Company? What particular significance does that have as a statement? A Well, Senator, as a statement--

Q Were you a partner? A Yes, in black and white, they had a contract signed up, but this Signorelle runs all the books and at the end of the year he comes over and tells you, "Well, we made so much profit and here's half of it." He builds his expenses up and does things the way he wants, but he'll never show you actually what your expenses incurred were.

Q Well, then, you were a partner? A Well, no, because he controlled everything. He had his--

Q I know, but you had partnership papers, didn't you?
A No.

SENATOR JONES: Counsel wants to take you over at this moment. Go ahead.

BY MR. GROSS:

Q Mr. Maitilasso, up until what period of time was it stated to you by Mr. Signorelle that you were a partner?

What year? A Around the latter part of 1954, but at that time we had no papers drawn up but he told us he split up Denville in three different accounts, Account Nos. 1, 2, and 3, and each man that ran the route was supposed to be the partner. He made us sign bank partnership on that account, that's all, but there was no contracts drawn whereby we were partners.

Q So you never saw any contracts? A Nothing at all, no.

Q Is this Mike Signorelle the same one who is the owner of D & M Contracting Company, the one who was in the office with Joe Cassini, Cush Roselle and that group? A The same man.

Q Are you related to Signorelle? A Yes, he's my brother-in-law.

Q He's your brother-in-law. A Yes.

Q Now, did Morris County Disposal, while you were supposed to be a partner, have any jobs in Morris County?

A Yes, we had Mine Hill and Rockaway Borough contracts.

Q When did it first have the Mine Hill contract?

A In 1956.

Q Now, is it correct that the contract price was \$5,380?

A That's right.

Q Were you competing for that job against anyone else, any other contractor?

A Yes, there was a contractor named Manuel Lavin.

Q Had Lavin been operating in Morris County in Mine Hill before?

A Not in Mine Hill but in Rockaway Borough.

Q Did you have any discussions or hear any discussion which Mike Signorelle had relating to his competition with Lavin in Mine Hill?

A In what year?

Q 1956 or subsequent to that? A No, not in '56 but in '57 and '58.

Q What was the first conversation? A Well, the conversation was that they were going to give Lavin back his town, Rockaway Borough, if he would give them a free hand in Mine Hill.

Q Who said this? A Well, it was a group meeting.

Q And who was at the meeting? A The group meeting was between me and Mike and a couple of other drivers--

Q And Mike Signorelle? A Yeah, and two other drivers that were also brought into the partnership at Mike Signorelle's insistence.

Q What were their names? A Louis Facciponti and Ernest Spagnolli. They were brought in without my knowledge; they were just jammed down my throat, in other words.

Q These men worked for Mike Signorelle as Foremen?
A Yes, sir.

Q And they were operating this Mine Hill or working on the Mine Hill job? A Yes, sir.

Q Now, you say you had a meeting. What did Mike Signorelle say about the Mine Hill job? A Well, this was later, the following year.

Q In 1957. A Well, he said that we would have to give Lavin his town back and we would get the free run in Mine Hill.

Q By "his town" what town did he mean? A He meant Rockaway Borough would be Lavin's town, which he held for 15 years, and Mine Hill would be our town.

Q Now, had Morris County Disposal taken away Rockaway from Lavin? A Yes, sir.

Q In 1956? A That's right.

Q Do you remember that the contract price there in 1956 was \$9,333? A That's right.

Q Is that correct? A That's correct.

Q So then Morris County in 1956, Morris County Disposal, had Mine Hill for \$5,380 and also had Rockaway for \$9,333?
A That's right.

Q Now what happened in 1957? Was there a deal consummated? A No, there was no deal yet. In 1957 Lavin came in and took Mine Hill at a very low figure. I don't recall the figure, but--

Q \$4800? A \$4700 or \$4800.

Q In 1957? A 1957.

Q Did Morris County Disposal retain Rockaway for that year? A Yes, the Borough took up the option for another year.

Q For the same price? A At the same price of \$9,333.

Q Now, I take it there were some conversations during the year 1957 which you have described already. A Yes.

Q Was a deal in fact made? A There was no deal made at the time. It was at the talking stage where Lavin wanted his town back and threatened to do all sorts of things to get his town back, even if he had to take it back for nothing. And at that time, this same Michael Signorelle told him that I was the one that took his job because I was looking for more work. He engineered the whole thing but he stayed in the background and blamed me for all of it.

Q Mike Signorelle. Did you have --

SENATOR JONES: Have you identified Lavin for the record, counsel?

Q It was Emanuel Lavin? A Manuel Lavin.

Q Manuel Lavin? A Rockaway Township.

Q Of Rockaway Township.

SENATOR JONES: Have you identified the trade name?

A He trades under the same name.

Q Now, did you have any conversations with Lavin before the bid in 1958 in both towns? A Yes, he told me that he found from my brother-in-law that I was the rat that took his job after 15 years and that he would get it back if he had to

do it for nothing.

Q This was in Mine Hill? A No, this was in Rockaway Borough.

Q All right. Now, did you have any further conversations before the bidding January 1, 1958, in both towns? A No, but before Michael Signorelle and I broke our supposed-to-be partnership, everything was all set pat and this Spagnolla was already carrying messages up to Lavin to get together, and they were each going to take their own town. I mean, I was still in the company at the time.

Q What's Spagnolla's first name? A Ernest.

Q Now he is the foreman for Mike Signorelle? A That's right.

Q And he took messages up to Lavin? A That's right.

Q What were those messages? That the deal was worked out, or what? A That I was no longer going to be with the company and the rat was out of the bag and they could get along good, you know, and they were each going to have their respective towns at their own price.

Q Now what happened in the bidding in 1958? A In 1958 I tried to secure a bond and a dumping permit, and I wasn't able to secure it until an hour before the bid. I was already operating on my own as Union Disposal and at 7 o'clock the night of the bid I was finally given consent to dump. I had no time to secure a bond and I asked the township to postpone the bidding for that reason for at least a week so I could secure a bond, which they refused to do.

Q Are you familiar with the prices and the bidding in 1958? A Yes. They jumped to- Manuel Lavin was the low bidder.

Q Is it correct that in Mine Hill the award went back to Morris County Disposal for \$7,933? A Where was this?

Q In Mine Hill. A In Mine Hill?

Q In 1958, that Lavin bid \$8500, whereas he had done the job the previous year for \$4800? A That's correct.

Q And is it correct that in Rockaway in 1958, Lavin got the award for \$18,000, whereas Morris County Disposal had done the job the previous for \$9,333? A That's right.

Q Now you say that you did not place a bid in either one of those towns that year? A That year, I couldn't.

Q And that was because you couldn't get a dumping permit? A That's right.

Q From whom did you try to obtain a dumping permit? A Well, that was from the dump we all go to, Sharkey's dump.

Q In what town is that located? A In Parsippany.

Q Did you place a bid or have you subsequently placed a bid in either one of those 2 towns? A I did in Mine Hill in 1959, this year.

Q Were you successful? A Yes, I was.

Q For what price? A \$7600.

Q Now prior to the bidding in Mine Hill in 1959, did you have any conversations with any representative of Lavin or Signorelle? A Yes, I had conversation with Signorelle's representatives.

Q Who were those people? A Facciponi and Spagnolla.

Q What were those conversations? A A few days before the bid in Mine Hill, they said that they heard I was going to bid Mine Hill, and I had no conception that I was

even going to attempt it, but they told me that they wanted me to know that I wouldn't be able to secure a bond. That came from "the shadow," that's Mike Signorelle. They call him "the shadow." But anyway they told me that I couldn't secure a bond, he would see to it.

Q What did you do? A So I ran down to Millburn and picked up a bond and 40 minutes later I had the bond and placed the bid.

Q Who did you take the bond from? A Standard Accident.

Q So you decided to place a bid in Mine Hill in 1959?

A Yes, sir.

Q Did you see either one of those two representatives for Lavin and Signorelle prior to the bidding? A Not prior to the bidding, just 4 days before. As I say, that's the only time I'd seen them.

Q Now, did you attend the bidding yourself? A Yes, but I didn't put the bid in.

Q How was that arranged? Why didn't you put the bid in? A Well, I felt that if they saw me there, they would do the job for nothing to beat me out.

Q They would shoot the job? A They would shoot the job.

Q Who did you send to bid for you? A I sent my wife's kid brother up. None of them knew him, and he carried my bond and bid in and placed the bid for me.

Q Did you actually go to the place of bidding?

A Yes, I did.

Q Where did you locate yourself? A Outside in a parked car, in my brother-in-law's car.

Q You stayed outside, unseen? A Yes, sir.

Q Did you hear any conversation while you were outside?

A Yes, I heard, "I don't see him around or his car around, so--"

Q Who said that? A Facciponti.

Q Did you hear Spagnola say anything? A Yes, so Spagnola said, "All right, you throw yours in."

Q Now, what did that mean to you? A Well, to me it meant that they had a high and low bid, and if I was there they were going to put a low bid in, and if I wasn't around they would throw the high bid in.

Q Do you know whether they had the high and low bid under the same name, or two different names? A I wouldn't know.

Q Is that a usual practice, if you know, of Signorelle? A Yes, it is.

Q What is the practice? A The practice is one bid under Morris County Disposal and the other would be under Denville Disposal.

Q And both bids would be ready and prepared at the same time? A Prepared and set to go, low and high.

Q And 2 different bonds? A That's right.

Q And under what circumstances would the high bid be used? A If there was no competition, or if the job was fixed they could use the high bid.

Q And under what circumstances the low bid? A Well, if there was someone like me around that would try to do the job under their figure, they would have a low bid ready.

Q They would have it ready in case someone came in--

A They would have it ready in case a stranger came in with a bid.

Q Now what was the conversation which you heard outside the municipal hall? A Well, it was a rainy night and they ran out of the car and looked around, both of these fellows, and said that they didn't see my car around and they didn't see me around, so they said, "Throw yours in," Presumably, they meant to throw the high bid in.

Q Throw the high bid in. Now was there any further conversation after that? A No, except that at 8:32 I got out of the car and walked into the Town Hall, the bidding was over, and the two of them came running out to go in their car and they stopped short and just looked at me, you know? And they said, "You're pretty smart," you know, and just kept running over to the car.

Q And is it correct that they bid \$9,333 that year?

A Correct.

Q Were there any further conversations that you had with any of these people subsequent to that time? A Yes, this Louis Facciponi one time, to be precise on September 17, 1957, which was 2 days after the bidding in Rockaway Borough when the '58 bid was fixed, they stopped me on Edwards Road and told me -- well, Facciponi said, "What are you trying to do?" you know, sneering. He said, "What were you trying to pull last night up at Rockaway Borough? Didn't you know 'the shadow' had it blocked so that you couldn't dump?" That's the expression they used.

Q "The shadow" is the nickname for Mike Signorelle?

A That's right. He's pretty well known. Joe Cassini knows

that.

Q Is this double bidding practice of having a high and low bid ready at all times, has that been followed in other towns? A Well, it has. I mean, you hear of them, but I don't have any definite proof that it has but it's the general practice.

Q Have you ever been located in the office of D & M Contracting with Mike Signorelle? A Not in D & M Office, no, sir.

Q Which office? A Miele's Maplewood Office.

Q Miele's Maplewood Office? A Yes.

Q Which Miele is that? A Miele Brothers, Maplewood Disposal.

Q Miele Brothers? Are they related to Frank Miele? A I don't know. I don't think they are.

Q But they are not the same Miele's who are sitting in the room now? A No.

Q Would that be Angelo Miele? A Yeah, the late Angelo Miele - no, that's another Miele you're speaking of. Angelo Miele from Montclair, you mean. No, that's a different Miele.

Q But this is a Miele office in what town? A In Maplewood.

Q And Mike Signorelle had his offices there? A Yeah, the Maplewood Disposal offices.

Q Now did you ever hear any conversations in that office with respect to dumps? A Yes, I did.

Q What were those conversations? A Well, telephone conversations, of which I could only hear one side.

Q And you heard Mike Signorelle talking? A That's right.

Q What did you hear him say? A Well, I heard him make a telephone conversation and after the conversation was over, he waved a paper in my face and said that if he got that paper signed he'd be the king of the garbage industry, and that was concerning this Kearny dump. I don't know what else happened after that, but presumably--

Q What year was that? Do you know what year that was? A 1956, I believe, the end of 1956.

Q Was there any reference made to signing a lease with the City of Newark so that it could dump in the Kearny dumps?

A Yes. One-third of the City of Newark was to dump in that dumping area.

Q Did that conversation have any reference to the City of Newark dumping in Kearny? A Well, there was something said but I don't recall exactly the conversation, but after the phone call was over he said that one-third of the City of Newark would dump in that dumping area as soon as he got those papers signed.

Q Do you know if he got that paper signed? A Yes, he did.

Q He did? How soon after? A Oh, a couple of months, I guess.

Q A couple of months. Did you hear any further conversations, or did he say anything-- A No, not after that, no.

Q He didn't say anything to you? A No.

Q How long did you stay in that office? A Well,

I didn't work--

SENATOR JONES: What paper are you taking about?

A I didn't work in that office.

SENATOR JONES: Wait a minute. He signed some papers?

MR. GROSS: This is a paper that Mike Signorelle waved in your face?

A Yes.

Q A lease. You say you found out it was-- A A lease for the Kearny dump.

Q For the Kearny dump - which, if signed, would make Mike Signorelle, how did you describe it? A He described himself as the king of the garbage industry.

Q And that paper was actually signed? A Apparently, yes. I am almost positive it was because they went ahead with everything else.

Q Now, did Mr. Signorelle ever come up to the Morris County area personally? A Yes, he did, about once a week.

Q About once a week? Who was with him when he came? A One time there was a guy traveling around with him up there by the name of Joe DeLisio. He was a labor representative of some kind. He was introduced to me as a Union official, and this same man was trying to organize all the garbagemen in Sharkey's Dump into an association, which I think Mr. Miele spoke of before.

Q Was this the same DeLisio who was the goon on the payroll of the young Miele Association? A Yes, I believe it was. As a matter of fact, I'm positive it was.

Q And Mike Signorelle described DeLisio as the Union representative? A Yes, sir.

Q And how often would DeLisio be with Mike Signorelle? A Well, they were always riding around together.

Q And every week-- A For months they were riding around together. They were inseparable.

Q And every time Mike Signorelle appeared in Morris County, DeLisio, the Union representative-- A During that time, during those couple of months, but before that and after that, every week he'd be up there.

Q With DeLisio? A No, alone. But during those 2 or 3 months, he traveled around with this Joe DeLisio.

Q And this was the period when they tried to organize the Independent Scavengers in Morris County? A That's right.

Q At what dump? A At Sharkey's Dump.

Q The same Sharkey's Dump? A That's right.

Q Did you have any conversations with DeLisio?

A No. Mike introduced me to him and then of course he'd ask me about different little garbagemen, you know, that were giving him trouble, that they wouldn't sign up, and he'd ask me to talk to them and see if they would sign; a couple of these old Italian fellows could hardly speak English, you know.

Q Mike said this to you? A No, this Joe DeLisio did.

Q And did you try to help him? A No, I didn't.

Q Did Mike Signorelle ask you-- A I didn't think they should be organized. There was no reason to organize.

Q Did Mike Signorelle ask you to try to help them

organize? A No, he didn't at that time.

Q Did he at any subsequent time? A No, he just expressed the opinion that he thought it would be good if all the small garbagemen got together in an association.

Q In other words, he was always with DeLisio, the Union representative, inseparable-- A That's right.

Q --and said to you and to other contractors that it would be good if they organized? A If they get organized.

Q At Sharkey's dump? A Yes.

Q Was there any trouble at any time in obtaining dump permits for Sharkey's dump? A No, I never had trouble. I don't-

Q Well, you mentioned one job before when you didn't get a dump permit? A Yes, for about a month I tried to get a permit. I called and it seemed as though they were evading me, but still, an hour before the bidding, I finally got to contact him and he told me that I could have a dump permit.

Q But this was too late to do anything? A No, it was an hour before the bid.

Q Would you have time to obtain a bond? A No, there was no time to secure a bond.

Q Did Cush Roselle ever come up to the Morris County area? A Yes.

Q When was that? A Well, whenever there was a bid or something coming up, he was always there.

Q Did you ever have any conversations with Mike Signorelle with respect to Cush Roselle's activities in the area? A Not that I can recall.

Q Do you recall that there was ever any competition

or conflict between Roselle and Signorelle? A Oh, there was plenty of it. They were like cats and dogs years ago, they fought each other all the time--

Q This was before the association-- A --before 1957, that's right. In fact, they even went into each other's towns.

Q By "years ago," how many years ago would that be?

A I mean, before 1957.

Q Before the association? A Before the association.

Q Did Signorelle ever ask you to take any action in that regard? A Well, the only time when Cush Roselle came to Denville to secure a permit to solicit customers in Denville, Mike Signorelle came over to my route and picked me up and had me go over to the Town Hall and threaten Cushie Roselle.

Q Had you do it? A Yes, he had me do it.

Q Why were you selected? A Well, I was running the job and I guess I was his strong-arm boy there at the time.

Q Well, what did Mike Signorelle tell you to do?

A He told me to get ahold of Cushie and tell him he'd better not come into Denville or it would be just too bad. So I waited for him outside the Town Hall and when he came out, I asked him if I could sit in his car with him, and we did, and I told him he'd better not come into Denville. I mean, I told him that today I'm in a good mood and I'm just telling you in a nice way not to use that permit, and I says, "I'll be waiting for your trucks when they enter this town." This was in '54, though.

Q And what did Cush Roselle say? A Well, he said that his father used force on a man one time and it cost him a lot of money, and from then on they decided they were going

to let the other guys use the force. But he never used that permit to solicit a stop in Denville.

Q Did he ever come up to that area again? A No, he never did as far as I know; that is, in Denville.

Q Any other area in Morris County? A No, he comes around the lakes, Lake Parsippany, you know, bidding and all that stuff. He's always at those--

Q Now, since you set up your own business, Union Hill, have you tried at any time to negotiate for the sale of that business? A Yes, I did, I tried to- when I saw how the cards were stacked against me, I was alone, I decided that maybe it would be best if I got out of the business, so I decided to try something different and sell my route. I had two prospective buyers, and each time--

Q Let's stick with the first one. Who was the first one? A Anthony Bruno from West Orange.

Q From West Orange. A Main Street, West Orange.

Q You had negotiations with him? A Yes. In fact, he gave me a deposit on the business.

Q He gave you a deposit. A And everything was going along fine--

Q When was this? A Last year.

Q The fall of 1958? A Yeah, well around August.

Q Around August of 1958. And you took a deposit from him? A Yes, I did.

Q Then what happened? A And then I received a phone call from him about a week later. His son-in-law was running the route with me that week, and I received a call from this Tony Bruno telling me to go rush down to his house

because Mike Signorelle was there and threatened him with all sorts of things and he thought if--

Q Well, what do you mean by all sorts of things?

A He threatened that he'd send 20 trucks and 40 men up there and drive him right out of business if he bought it.

Q Was there any threat of physical force? A Not physical, but his two goons stopped the son-in-law that was with me and forced him off the road, this Spagnolla and Facciponti. They forced this Allen Haines--

BY SENATOR JONES:

Q Now wait a minute. Everybody in this room doesn't know what counsel and the witness know, and I think you ought to give us a little explanation of what you have just described as two goons. I mean, the witness has described them. A Well,-

Q We can't follow you. A Well, Facciponti and Spagnola are the two men that run the jobs up there.

Q How do you spell it for the record? A We have it, don't we?

MR. GROSS: Spagnola - S-p-a-g-n-o-l-a.

THE WITNESS: That's right. And Facciponti is F-a-c-c-i-p-o-n-t-i.

BY SENATOR JONES:

Q And they worked for Signorelle? A They still do.

Q And they were his strong-arm boys? A They are right now.

Q They are. A They still are.

Q As I understand it, Signorelle told this fellow that if he purchased your business he would send 20 trucks up with men so as to absolutely drive him out of business?

A That's right.

Q And in addition to that, he sent Spagnola and Facciponti- he sent those two fellows who were strong-arm men to see whom?

A To get this Allen Haines. That was Anthony Bruno's son-in-law, who was running the route.

Q O.K. It was the purchaser's son-in-law who was breaking in on the business and on your route? A That's right.

Q And what did the two goons say to Allen Haines?

A They told Allen that he'd better not buy that business if he knew what was good for him, and he would be sorry and all that, and then they said that they could let that town go contract any time they wanted to, that he would lose all his money, and they cooled him off about buying the business, so the negotiations fell through.

BY MR. GROSS:

Q You say they ran a truck? A Yeah, the Bruno's even purchased a Garwood loader for \$2,000, a used one, and they were going to use that on the business because I just had an open truck, and Michael Signorelle called them up, called Bruno up and told him that if they would bring the truck down to a certain gas station, he would give them a certified check for the full amount of that truck as long as they dropped negotiations for buying the business, so Bruno told them that that was impossible because I had made arrangements with him that if he didn't buy the business I was to buy the Load-Packer, which I did.

Q Now, when you went down to Bruno's house and Signorelle was there, what happened? A Not Bruno's house. Signorelle had left Bruno's house.

Q Oh, he had left. A And Bruno and his wife told me everything that he had said and how he had raved like a maniac.

Q Well, what happened to the deal? A The deal fell through. That was the first deal.

Q Did you give him the deposit back? A I gave him the deposit back and purchased the truck from him, from Bruno.

Q What was the second deal? A The second deal was with a Dr. Zaccardi from East Orange.

Q When was that? A That was-

SENATOR JONES: What's his first name?

THE WITNESS: I have to think for a minute.

Q Is that Z-a-c-c-a-r-d-i? A Yes.

SENATOR JONES: You can't recall his first name?

THE WITNESS: I'm trying to think, Senator.

SENATOR JONES: You call him doctor, what was he a doctor of?

THE WITNESS: He's a Medical Doctor.

SENATOR JONES: And he was going to buy your garbage route?

THE WITNESS: For his brother.

Q Do you know what his brother's name is? A One second; I'm all mixed up. Larry Zaccardi is his kid brother.

Q How old is his kid brother? A About 30, I imagine; about 29 or 30.

Q Where is he from? A From East Orange, McCay Avenue, East Orange.

Q Did you have conversations with the Zuccardi's?

A Yes, I did. In fact, they also later on gave me a deposit and Larry Zuccardi came to learn the route with me. I had him with me for 2 weeks.

Q About what period of time was that? A That was in September, the following month.

Q 1958? A Yes.

Q The Zuccardi's gave you a deposit? A Yes, a \$1,000 deposit.

Q And Larry Zuccardi started a 2-week trial period?

A That's right.

Q Then what happened? A During that trial period, Mike Signorelle got wind of that and went down - called Dr. Zuccardi and went down to his office and arranged a meeting, and Dr. Zuccardi called me and told me--

BY SENATOR JONES:

Q Who's this? The shadow? A Yes, the shadow.

Q He's a shadow of quite some substance. A He sure is. Wait until you find out. So finally, Dr. Zuccardi called me and told me that Michael Signorelle was going there at 4 o'clock at his office, so I left Denville and went down and when I got to Dr. Zuccardi's office, Michael Signorelle was in the inner office with him; the door was ajar, and he was raving on and on about how he was going to send a fleet of trucks up there and drive him out of business. It was always the same thing, using force to overcome the little guy, you know? And he had Dr. Zuccardi so scared-- when I walked in I threatened Mike with everything. I called him every vile name under the sun, asked him to fight and he wouldn't fight, and he backed out of the office and went away, Then I tried--

Q He apparently was a shadow. A Yeah. So finally I started talking to Dr. Zuccardi and he didn't want to have anything to do with it. He said, "No, sir. Boy, when I see trouble like that, I'm going to stay clear of it all." So that deal fell through. And that's about the size of it.

Q What did he call you? A What did who call me?

Q What did the shadow call you at that meeting in the doctor's office? A He wouldn't call me anything; he wouldn't say a word, because he knew better.

Q Are you bigger than he is? A I don't weigh as much but I'm a little taller than he is.

Q But you called him some names? A I sure did. I'd never repeat them here.

Q You wouldn't want to repeat them here? A Not here, I couldn't. When I say the vilest names that you can call a person, that's exactly what I called him.

BY MR. GROSS:

Q Do you have any stops or industrial pickups in Morris County? A Yes, I do.

Q Where are those stops? A Well, I have Reaction Motors in Denville. That's a bid job; we both bid on that and I--

Q Reaction Motors - what is that, a plant? A It's a big plant, industrial plant.

Q At what address? A On Ford Road, Denville. They make missiles.

Q It's a bid job? A A bid job.

Q And did you bid on that job? A Yes, I did. They asked for bids, this company, until Signorelle's price got so exorbitant that they couldn't stand it.

Q What was Signorelle's price? A Well, they jumped from \$175 a month to \$250 a month, and then \$500 a month.

Q What year was this? A This was in 1957. So that when he jumped to \$500 a month, they started to look around for bids, and they found my number and called me and asked us all to put in bids, but it eventually turned out that only two of us put a bid in, him and I.

BY SENATOR JONES:

Q What was the company and what town? A This is Denville, Union Hill Disposal Company and Denville Disposal put in bids for the job.

Q And who did you put a bid in to? A To the Reaction Motors, Incorporated.

BY MR. GROSS:

Q You were Union Hill, and Denville Disposal was Mike Signorelle? A That's right.

Q And you put bids in. What happened at the bidding? A Well, at the bidding I was the low bidder and I was awarded the job.

Q At what price? A At \$200 a month.

Q You had the low price of \$200 when Signorelle was previously doing the job for \$500 a month? A I don't think he got \$500 a month, he asked for \$500 a month; he had previously got \$250 a month up to the time he doubled the figure.

Q Has there been any conflict between you and Signorelle as a result of that? A Yes, he called me up and threatened my life.

Q When was that? A Last year.

BY SENATOR JONES:

Q What month? A I'm trying to think, Senator, It's recorded with the Denville Police Department, but I just can't think of the month, but it happened just about a year ago.

Q Now when you say he threatened your life, what did he say? A He called up on the phone and threatened to kill me.

Q And said, "This is Mike Signorelle"? A He said, "This is Mike Signorelle, and what the hell did you do with the job over there; you killed the job" and all that stuff, and he told me that he was going to kill me.

Q Kill you? A He was going to kill me.

Q Did he suggest any means? A Later on, he suggested, "I'll get a bat and I'll hit you on the head with it" and all that stuff. For the first five or ten minutes he kept repeating that he was going to kill me. So I told him the next morning where I'd be at specified times and I told him if he cared to meet me I'd be waiting for him. He never showed up.

Q You mean, waiting to get killed? A Well, I didn't fear him, you know. I told him where I'd be at each specified hour anyway the next day, and he never showed up, but Facciponti did show up and he knocked behind this Acme store I was doing and started trying to pacify things, and I was too upset and I told him to go over to a certain place and get the shadow and bring him back if he thought he was going to kill anybody, but they never come over.

BY MR. GROSS:

Q Now, was there a Camarata connected with that job?

A Yes, this Camarata is an attorney. That was Bruno's

attorney; that was how he got involved in this intimidation and coercion that Signorelle was pulling on his client.

Q How do you spell Camarata? A C-a-m-a-r-a-t-a, William J.

Q Of what town? A Montclair. Orange Road, Montclair.

Q Now, how did he come into this picture? A Well, he was Anthony Bruno's attorney. He was negotiating the sale when this Signorelle showed up with a threat, and of course Bruno contacted his attorney and Camarata called me down to his office and wanted to know what it was all about, and then I showed him a contract, which he still possesses, between Signorelle and I when we broke our partnership. And Camarata's opinion was that he was the biggest crook he ever saw in all his years of law practice. He compelled me to sign that, and that was the third set of contract he had drawn up.

Q How were you compelled to sign it? A It was either that or get nothing. I mean, when we split up. There was a little route which we purchased together, and that was the last transaction I made with him, and I insisted then at that time that we sign a contract that we were partners in it, not like the other deals previous to that, so we signed on that and it was just a little business of \$1100 a month.

Q Where was that business? A That was in the Union Hill section of Denville.

Q An industrial job? A No, that was all private, and a couple of commercial--

Q Did you invest your own money in that job?
A Yes, I did.

Q And what happened when you parted company? Did you get your money back? A When we parted company, we parted that \$1100 a month, split it two ways. He tookd \$550 a month and I took \$550, and that was all I had to work on after the split.

Q He took half of the private work. A But we still had the Rockaway contract, which was still running at that time. That was '57.

Q Now, have you had any conversations with Signorelle since that threat to kill you? A Yes, when I met him at Dr. Zuccardi's office.

Q That was after? A That was after.

Q Any conversations with him since that time? A No, he seems to evade me.

Q Any conversations with Spagnola? A Yes, I always have conversations with Spagnola.

BY SENATOR JONES:

Q What's Spagnola's first name? A Ernest.

Q Where does he live? A In East Orange. Wait a minute, let's see. No, he lives in Orange now, he just moved to Orange. Sorry. He lives on Essex Avenue, Orange.

Q What about Facciponti? A Facciponti lives in Church Street, South Orange.

Q What's his first name? A Louis.

Q Where does Signorelle live? A 247 Eppirt Street, East Orange. E-p-p-i-r-t.

BY MR. GROSS:

Q What were these conversations with Spagnola that you're talking about? A Well, I mean, everyday business that come up like when I took Reaction Motors from him, he

called me all kinds of names and a rat for taking the job and stuff like that, you know.

Q Nothing aside from that? A In fact, at that time he was trying to negotiate to buy my business too, at the time I was trying to sell it. So he went down to see Mike about it, you know, and he said he wanted to buy it for himself, and he come back and offered me about one-third of what it was worth, and of course I didn't even consider it.

Q Now, have you had any conversations with any other contractors? A Did I?

Q Yes. Have you had any conversations with Angelo Miele's son? A Yes, I did, with Sammy. Sam Miele.

Q And Sam Miele was Angelo Miele's son? A Yes.

Q Where is Sam Miele from? A He's from Montclair, Orange Road.

Q Now did Angelo Miele have any municipal contracts? A Yes, but not in our area.

Q What area? A Well, he had Lincoln Park, I know, and he's got another little job in Bergen County somewhere. All the rest of his work is private.

Q But they do garbage contract collection and disposal? A Yes.

Q Now you spoke to Angelo Miele's son. What did he say to you? When was this conversation that you had with him?

A Well, this happened in Sharkey's dump one day, we were talking about bidding the Rockaway job together.

Q What year? A This was for 1958, we were going to bid it together for 1958. So it was the latter part of '57 when this happened - October or November of 1957. And finally he

said that Mike Signorelle called him up and told him that he heard he was going in with me on the Rockaway Borough job and that if he wanted his jobs protected, to lay off me and stay away from me; then he called me to come down to his home and told me he couldn't bother going in because it would mean a lot of trouble for him.

Q So then that deal was off too. A That was all off then.

BY SENATOR JONES:

Q In other words, as I understand it, Miele wanted to go in business with you-- A On a contract, Senator.

Q On a contract basis, and as soon as Signorelle heard about it, Signorelle told Miele that if he went in business with you he would come into Miele's towns-- A He wouldn't protect his jobs.

Q -- and he wouldn't protect his jobs any longer.
A That's right.

BY MR. GROSS:

Q Now, was any mention made at that time of the East Paterson job? A No. I don't know what job Angelo Miele had at that time, truthfully.

BY SENATOR JONES:

Q Do you know where he is now? You said Bergen County and I'm curious. Do you know where he is now? A He has a contract in Bergen County somewhere, I know. It's a small job somewhere, I know.

Q Did he ever tell you anything about the Bergen County job? A No, sir, he didn't.

Q Do you know anything about Miele on the Bergen County

job? A No, I don't, sir. In our area he does only private work, but I know he has a contract over in Bergen County somewhere.

BY MR. GROSS:

Q What is Angelo Miele's son's first name again?

A Sammy.

Q Now did Sam Miele tell you anything about the East Paterson job? A No, sir.

Q Did he say that Mike Signorelli told him something about the East Paterson job? A No, sir.

Q Nothing about "hands off" the East Paterson job?

A No, sir, he just said at that time that if he wanted his job, whichever job they were talking about, I don't know - I don't know that much about it, I don't know what job they were referring to, but he said if he went in with me on the Rockaway job not to look for protection on his job.

Q Did Sam Miele ever tell you that Mike Signorelle had promised "hands off" on the East Paterson job for the benefit of another contractor? A He never mentioned the East Paterson job to me at all.

BY SENATOR JONES:

Q You were never a member of the Association, were you?

A No, sir.

Q Did you ever attend any meetings? A No, sir.

Q Do you know Seratelli? A I saw him a couple of times. I didn't know him personally.

Q You didn't know him personally. Signorelle, from what he told you, is a very important member of the Association, isn't he? A Yes, sir.

Q Have you heard Signorelle talk about Association practices and dividing up areas and towns? A Oh, sure. I was in on all those.

Q You were in on all of that. Did Serratelli tell you -- A Serratelli?

Q No, I mean Signorelle. Did Signorelle tell you what the purpose of the organization was and how they worked the various towns? A Not--

Q When you say you were in on all that, what did you mean? A I mean, they had it set up so that all the contractors would get the right price, what they considered the right price at the right town so that nobody would be working cheap, they'd all get the right price.

Q And that was all by agreement before the bid, wasn't it? A That's right. Senator, these guys don't want to tell you, but I'll tell you that there isn't a contract in the State that isn't rigged. I want to tell you now, and I know that. And any contractor in here, I dare them to defy it, defy me.

Q You don't have to tell me that. A Every job is rigged long before it goes to the boards. They know it. They're just playing coy.

Q I understand. Now, tell me, was that the purpose of the Association? A That's one of the main purposes.

Q One of the main purposes of the Garbage Contractors' Association. A To keep the little guy out, and the big ones get bigger; that's exactly their principle.

Q And they divide up towns between them and give complimentary bids? A That's right.

Q Is that why you see your pattern of contractors going outside their area for work so that they can give a

complimentary bid in another town? A That's right. If they don't get the recognition they want in their own area then they go out in somebody else's area and buck somebody else so that they're quieted down and they fall in line.

Q Well, tell us more. Tell us all the things that you've learned from Signorelle in connection with the Association and these practices in the State. You apparently aren't afraid of these fellows. A Well, I'm not. I don't fear any man that ever walked. They know that too.

Q All right. Now, come on, we want you to tell us. A I'll tell you exactly what, Senator. Serratelli started the whole thing and they know it. I don't give a damn where he is; he can be right around the corner from me. He went out and he organized labor first, then he organized all these contractors into an association.

Q You mean, the big fellows? A The big guys. Then he controlled all the dumps, and he got a complete monopoly on the entire industry, and after he did that he set up jobs, and they all know it, and he set up jobs for a certain contractor - "this is your job and that's yours, and you get the figure you want on it," - and these other guys go in and give complimentary bids. And that's going on all over the State of New Jersey.

Q And how long has it been going on? A It's been going on the last three years that I know of, and it's been going on before that.

Q And you have heard Signorelle talk about this on frequent occasions? A Yes, sir, and I hear not only Signorelle but all of them.

Q You've heard them all talk? A Yes, sir, they all

talk and they all know what they're doing, too. They're getting away with it. And that's why I admire you, Senator, for what you're doing.

Q Thank you, thank you. Now, let me ask you this: When they set a town and set a bid, the price is always either very high or excessive, isn't it? A It is. It's exorbitant.

Q And from your experience in the business, you know that the price that they set has no relation to the cost of doing the job; isn't that right? A That's right.

Q They don't sit down and be competitive from the point of view of what it's going to cost to make a fair profit; they sit down there to give the town away to a specific contractor and he makes an exorbitant profit; is that right? A That's correct. And these other guys all hang around for the hand-out - you're going to get so much to put in a complimentary bid, and you get so much for laying off the job.

Q Now, are you talking about money or are you talking about-- A Money.

Q And is that why the Contractors' Association was so disturbed about the development of an independent association? A That's right, because they felt that we were all going to get together and give them trouble.

Q And they felt that you'd be able to find a place to dump; right? A That we could possibly get our own dump, like--

Q Then they wouldn't be able to control you any longer, right? A That's correct. As long as they keep us small, they can call their cards the way they want them.

Q Is that why they knocked off young Miele? A That's right. They did a good job on him, too. And they'll continue to knock us off until they get complete monopoly.

Q You don't think they're particularly concerned about the developments and the attendant publicity that has--

A No, they're not even worried about you yet. They're not worried about your investigation yet.

Q They are not worrying yet. A They're still laughing.

Q You think that they are that brazen? A Yes, sir.

SENATOR JONES: It's four o'clock. You're going to be called back to the stand, as you know. We are going to adjourn this hearing and we're going to make a statement. I have a few things I want to say for the benefit of the record and the press.

I want to state for the record and the press that Albert L. Ichel, a member of the bar, located at 1920 Highway 27, Edison, New Jersey, was today appointed by the Committee as Deputy Counsel to the Committee and has been assigned to Middlesex County.

I want to also suggest for the record what I didn't suggest last time - that Mr. Robert Hanley has been assigned to Morris County. Mr. Hanley is sitting in with us today for the first time, and let the record indicate that Mr. Hanley is of the firm of Egan, O'Donnell & Hanley, 10 Park Place, Morristown, New Jersey.

While these assignments are specific, their

work with the Committee will be not only in that specific sense but generally.

Also, in view of the fact that we are hampered and crippled for the want of adequate help because we are on a volunteer basis, these hearings will be adjourned right now without date so that the Committee and counsel and its investigation can be whipped into further and additional shape for future purposes.

All witnesses who have heretofore been subpoenaed or who have heretofore been subpoenaed and testified are still under process of the Committee and will be recalled.

That's all. Anything else, counsel?

Mr. Hanley:

MR. HANLEY: No, sir.

SENATOR JONES: O.K. The hearing is adjourned.

(A D J O U R N E D)